

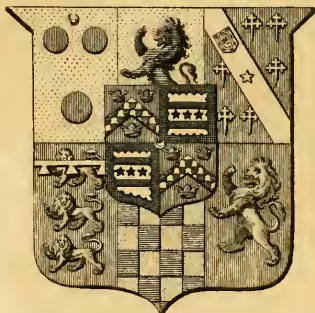


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*Thomas Perquim Courtway.*  
*Jos. Addison Alexander*











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# A P P E N D I X

TO THE

## HISTORY

OF

## GREAT BRITAIN,

FROM THE REVOLUTION, 1688,

TO

THE TREATY OF AMIENS,

A. D. 1802.

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BY WILLIAM BELSHAM.

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CONSISTING OF

*A SELECTION OF STATE PAPERS,*

ACCOMPANIED BY

REMARKS AND ILLUSTRATIONS.

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IN TWO VOLUMES.

VOL. II.

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LONDON:

PRINTED FOR RICHARD PHILLIPS, 6, BRIDGE STREET,  
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1807.

ALPHABETIC

OF THE

HISTORY

OF

BRITAIN

AND OF THE

ISLANDS

ADJACENT

TO

THE

WEST INDIES

AND

AFRICA

AND

THE

WEST

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VOLUME THE SIXTH.

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THE HISTORY OF THE

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# APPENDIX:

CONTAINING

*STATE PAPERS AND AUTHORITIES,*

TO THE

SIXTH VOLUME.



PAPERS RELATIVE TO AMERICAN TAXATION.

*A. D. 1765.*

**T**HE project of taxing America either internally or externally for the express purpose of raising a revenue to be paid into the exchequer of Great Britain, was a novelty in politics and legislation in the highest degree bold, alarming, and dangerous; and the stamp act, of which the fatal effects were so clearly and accurately predicted to Mr. Grenville, produced, immediately on the attempt being made to carry it into execution, the most dreadful disturbances. But that minister had been dismissed from his office some months before the accounts of these commotions had reached England. From the vast variety of letters and papers containing those accounts, are selected the following interesting extracts.

*Boston, Aug. 15, 1765.*—Yesterday morning, at break of day, was discovered hanging upon a tree, in a street in the town, an effigy, with an inscription shewing that it was intended to represent Mr. Oliver, the secretary, who had lately accepted the office of stamp distributor. \* \* \* It now grew dark, when the mob, which had been gather-

ing all the afternoon, came down to the town-house, bringing the effigy with them. Thence they went to a new building lately erected by Mr. Oliver—this they called the stamp office, and pulled it down to the ground in five minutes. From thence they went to Mr. Oliver's house, before which they belated the effigy, and broke all the windows next the street. Then they carried the effigy to Fort-hill, near Mr. Oliver's house, where they burnt the effigy in a bonfire made of the timber they had pulled down from the building. Mr. Oliver had removed his family from his house, and remained himself with a few friends, when the mob returned to attack the house. Mr. Oliver was prevailed upon to retire, and his friends kept possession of the house. The mob finding the door barricaded, broke down the whole fence of the garden towards Fort-hill; and coming on, beat in all the doors and windows of the garden front, and entered the house, the gentlemen there retiring. As soon as they had got possession they searched about for Mr. Oliver, declaring they would kill him. Finding that he had left the house, a party set out to search two neighbouring houses, in one of which Mr. Oliver was; but happily they were diverted from this pursuit, by a gentleman telling them that Mr. Oliver was gone with the governor to the castle, otherwise he would certainly have been murdered.

After eleven o'clock, the mob seeming to grow quiet, the lieutenant-governor, chief justice, and the sheriff, ventured to go to Mr. Oliver's house, to endeavour to persuade them to disperse. As soon as they began to speak, a ringleader cried out "the governor and the sheriff! to your arms, my boys!" presently after a volley of stones followed, and the two gentlemen narrowly escaped through favour of the night.

*August 22.*—It is difficult to conceive the fury which at present possesses the people of Boston, of all orders and



degrees of men. If a gentleman in common conversation signifies his disapprobation of this insurrection, his person is immediately in danger.

*August 31.*—It is with the utmost concern that I am obliged to continue the subject of my last letters. After the demolition of Mr. Oliver's house was found so practicable and easy, and that the government was obliged to look on without being able to take any one step to prevent it, and the principal people of the town publicly avowed and justified the act, the mob became highly elated. The lieutenant-governor had been apprised that there was an evil spirit gone forth against him; but being conscious that he had not in the least deserved to be made a party in regard to the stamp act, or the custom-house, he rested in full security that the mob would not attack him; and he was at supper with his family, when he received advice that the mob was coming to him. He immediately sent away his children, and determined to stay in the house himself; but happily his eldest daughter returned, and declared she would not stir from the house unless he went with her; by which means she got him away, which was undoubtedly the occasion of saving his life. Every thing moveable was destroyed in the most minute manner, except such things of value as were worth carrying off. But the loss to be most lamented is, a large and valuable collection of MSS. and original papers: as these related to the history and policy of the country, from the time of its settlement to the present time, and was the only collection of its kind, the loss to the public is great and irretrievable.

It was now becoming a war of plunder, of general levelling, and taking away the distinction of rich and poor, so that those gentlemen who had promoted and approved the cruel treatment of Mr. Oliver, became now as fearful for themselves, as the most loyal person in the town could be. When first the town took this new turn, I was in hopes that they would have disavowed all the riotous pro-

ceedings, those of the first night as well as the last. But it is no such thing : great pains are taken to separate the two riots. What was done against Mr. Oliver, is still approved of as a necessary declaration of their resolution not to submit to the stamp act; and even the cruel treatment of him and his family is justified by its consequences, the frightening him into a resignation; and it has been publicly hinted, that if a line is not drawn between the first riot and the last, the civil power will not be supported by the principal people of the town, as it is assured it shall be now. So that the present authority of the government is only exercised upon condition, and with prescribed limitations.

\* \* \* \* \*

The accounts received from Pennsylvania, Virginia, and New York, were scarcely less alarming. Resolutions were passed by the provincial assemblies, disclaiming in the strongest terms the right of interior taxation, attempted now for the first time to be exercised by the parliament of Great Britain. The whole continent of America exhibited symptoms of the most dangerous irritation and inflammability. The state of things was evidently and universally tending to open hostility and civil war. The pride and obstinacy of the Grenville administration, being exactly commensurate with their incapacity and folly, no doubt can be entertained but that matters would quickly have been carried to the last extremity, had not a change in the government taken place, and the old ministers been superseded in office by a new and very opposite description of men, whose wise, temperate, and wholesome counsels for a time,—a short and transitory interval indeed,—restored peace, order, and harmony, and suspended, though they could not avert the impending catas-

trophe. Posterity will unquestionably be astonished at the strange infatuation, visible in all the measures of the British government, in the present reign, respecting America, previous to the appointment, and from the period of the dismissal of the Rockingham administration; for the passions and prejudices which were then predominant are hastening into oblivion. But new passions and new prejudices will incite to fresh absurdities, accompanied by a new train of mischiefs; and mankind will again be deceived, and lulled asleep by the same high-sounding phrases as before, of the honour and dignity of the crown, the just rights and authority of parliament, and the real welfare and essential interests of the people. At certain times and periods, reason and philosophy seem indeed to make some progress; but how short is their triumph! like the alternate ebb and flow of the sea, they lose upon the whole as much as they gain; and did not the immortal labours of a few great and transcendent geniuses stand as mighty mounds to guard the intellectual world against the inroads of error and of folly, there is cause to fear lest all traces of truth and even of common sense, should gradually be lost and swallowed up in one vast and fathomless abyss; and darkness once more cover the face of the deep.

On the first receipt of the intelligence relative to the colonial disturbances, Mr. secretary Conway addressed to the governors of the several provinces in North America, the following circular letter:

SIR,

*London, October 24, 1765.*

It is with the greatest concern that his majesty learns the disturbances which have arisen in some of the North American colonies: if this evil should should to the government of ———, where you preside, the utmost

exertion of your prudence will be necessary, so as justly to temper your conduct between that caution and coolness which the delicacy of such a situation may demand on the one hand, and the vigour necessary to suppress outrage and violence on the other. It is impossible at this distance to assist you by any particular or positive instruction, because you will find yourself necessarily obliged to take your resolution, as particular circumstances and emergencies may require.

His majesty, and the servants he honours with his confidence, cannot but lament the ill-advised intemperance shewn already in some of the provinces, by taking up a conduct which can in no way contribute to the removal of any real grievance they might labour under; but may tend to obstruct and impede the exertion of his majesty's benevolence and attention to the ease and comfort, as well as the welfare of all his people. It is hoped and expected that this want of confidence in the justice and tenderness of the mother-country, and this open resistance to its authority, can only have found place among the lower and more ignorant of the people. The better and wiser part of the colonies will know, that decency and submission may prevail not only to redress grievances, but to obtain grace and favour; while the outrage of a public violence can expect nothing but severity and chastisement. These sentiments you and all his majesty's servants, from a sense of your duty to, and a love of, your country, will endeavour to excite and encourage. You will all in a particular manner call upon them not to render their case desperate. You will in the strongest colours represent to them the dreadful consequences that must inevitably attend the forcible and violent resistance to acts of the British parliament; and the scene of misery and calamity to themselves, and of mutual weakness and distraction to both countries, inseparable from such a conduct.

If by lenient and persuasive methods you can contribute



to restore that peace and tranquillity to the provinces, on which depend their welfare and happiness, you will do a most acceptable and essential service to your country; but having taken every step which the utmost prudence and lenity can dictate, in compassion to the folly and ignorance of some misguided people, you will not on the other hand fail to use your utmost power for repelling all acts of outrage and violence, and to provide for the maintenance of peace and good order in the province, by such a timely exertion of force as the occasion may require; for which purpose you will make the proper applications to general Gage, and lord Colville, commanders of his majesty's land and naval forces in America. For however unwillingly his majesty may consent to the exertion of such powers as may endanger the safety of a single subject, yet he cannot permit his own dignity, and the authority of the British legislature to be trampled on by force and violence, and in avowed contempt of all order, duty, and decorum.

If the subject is aggrieved, he knows in what manner legally and constitutionally to apply for relief; but it is not suitable either to the safety or dignity of the British empire, that any individuals, under the pretence of redressing grievances, should presume to violate the public peace.

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On the 28th of January, 1766, the house of commons resolved itself into a committee of the whole house, to consider of the papers laid before them, relative to the disturbances in America, and also of the petitions presented from the merchants of London, and all the principal trading towns in the kingdom, representing the shock sustained by the commercial system, in consequence of the late measures, and entreating relief. The committee continued sitting at intervals, till the 21st of February.

Among the persons ordered to attend upon this occasion, was the celebrated doctor Benjamin Franklin, whose evidence being peculiarly interesting and important, an extract from it is here subjoined.

Q. What is your name, and place of abode?

A. Franklin, of Philadelphia.

Q. Do the Americans pay any considerable taxes among themselves?

A. Certainly, many and very heavy taxes.

Q. What are the present taxes in Pennsylvania, laid by the laws of the colony?

A. There are taxes on all estates real and personal; a poll tax; a tax on all offices, professions, trades and businesses, according to their profits; an excise on all wine, rum, and other spirit; and a duty of 10*l.* per head on all negroes imported; with some other duties.

Q. For what purpose are those taxes laid?

A. For the support of the civil and military establishments of the country, and to discharge the heavy debt contracted in the last war.

Q. Are you not concerned in the management of the post office in America?

A. Yes. I am deputy post-master-general in North America.

Q. Do you not think the distribution of stamps by post to all the inhabitants very practicable, if there was no opposition?

A. The posts only go along the sea coasts; they do not, except in a few instances, go back into the country; and if they did, sending for stamps by post would occasion an expense of postage, amounting in many cases to much more than that of the stamps themselves.

Q. Are not the colonies, from their circumstances, very able to pay the stamp duty?

A. In my opinion, there is not gold and silver enough in the colonies to pay the stamp duty for one year.

Q. Do you think it right that America should be protected by this country, and pay no part of the expense?

A. That is not the case. The colonies raised, clothed and paid, during the last war, near 25,000 men, and spent many millions.

Q. Were you not re-imbursed by parliament?

A. We were only re-imbursed what in your opinion we had advanced beyond our proportion, or beyond what might reasonably be expected from us. Pennsylvania, in particular, disbursed about 500,000 *l.* and the re-imbursments, in the whole, did not exceed 60,000 *l.*

Q. Do you not think the people of America would submit to pay the stamp duty if it was moderated?

A. No; never, unless compelled by force of arms.

Q. What was the temper of America towards Great Britain before the year 1763?

A. The best in the world. They submitted willingly to the government of the crown; and paid in all their courts obedience to acts of parliament. Numerous as the people are in the several old provinces, they cost you nothing in forts, citadels, garrisons; or armies, to keep them in subjection. They were governed by this country at the expense only of a little pen, ink, and paper. They were led by a thread. They had not only a respect but an affection for Great Britain, for its laws, its customs, and manners; and even a fondness for its fashions, that greatly increased the commerce. Natives of Great Britain were always treated with particular regard. To be an Old England man, was of itself a character of some respect, and gave a kind of rank among us.

Q. And what is their temper now?

A. Very much altered.

Q. Did you ever hear the authority of parliament to make laws for America questioned till lately?

A. The authority of parliament was allowed to be valid in all laws except such as should lay internal taxes: It was never disputed in laying duties to regulate commerce.

Q. In what light did the people of America use to consider the parliament of Great Britain?

A. As the great bulwark and security of their liberties and privileges, and always spoke of it with the utmost respect and veneration.

Q. Have you not heard of the resolution of this house; and of the house of lords, asserting the right of parliament relating to America, including a power to tax the people there?

A. Yes, I have heard of such resolutions.

Q. What will be the opinion of the Americans on those resolutions?

A. They will think them unconstitutional and unjust.

Q. Was it an opinion in America before 1763, that the parliament had no right to lay taxes and duties there?

A. I never heard any objection to the right of laying duties to regulate commerce; but a right to lay internal taxes was never supposed to be in parliament.

Q. On what do you found your opinion, that the people in America made any such distinction?

A. I know that whenever the subject has occurred in conversation where I have been present, it has appeared to be the opinion of every one, that we could not be taxed in a parliament where we were not represented. But the payment of duties laid by act of parliament as regulations of commerce, was never disputed.

Q. But can you name any act of assembly, or public act of any of your governments, that made such distinction?

A. There was never occasion to make any such act till the present attempt to tax us. *That* has occasioned resolutions of assembly declaring the distinction, in which I



think every assembly on the continent, and every member in every assembly, have been unanimous.

Q. But in case a governor, acting by instruction, should call on an assembly to raise the necessary supplies, and the assembly should refuse to do it, do you not think it would then be for the good of the people of the colony, as well as necessary to government, that the parliament should tax them?

A. I do not think it would be necessary. If an assembly could possibly be so absurd as to refuse raising the supplies requisite for the maintenance of government among them, they could not long remain in such a situation; the disorders and confusion occasioned by it must soon bring them to reason.

Q. You say the colonies have always submitted to external taxes; and object to the right of parliament only in laying internal taxes: now can you shew that there is any kind of difference between the two taxes, to the colony on which they may be laid?

A. I think the difference is very great. An external tax is a duty laid on commodities imported; that duty is added to the first cost and other charges on the commodity, and when it is offered to sale, makes a part of the price. If the people do not like it at that price they refuse it; they are not obliged to pay it. But an internal tax is forced from the people without their consent, if not laid by their own representatives.

Q. Considering the resolutions of parliament as to the right, do you think if the stamp act is repealed, that the North Americans will be satisfied?

A. I think the resolutions of right will give them very little concern, if they are never attempted to be carried into practice. The colonies will probably consider themselves in the same situation, in that respect, with Ireland. They know you claim the same right with regard to Ireland, but you never exercise it.

Q. Can any thing less than a military force carry the stamp act into execution ?

A. I do not see how a military force can be applied to that purpose.

Q. Why may it not ?

A. Suppose a military force sent into America, they will find nobody in arms: what are they then to do? They cannot force a man to take stamps, who chuses to do without them. They will not find a rebellion. They may indeed make one.

Q. Suppose an act of internal regulations connected with a tax, how would they receive it ?

A. I think it would be objected to.

Q. Then no regulation with a tax would be submitted to ?

A. Their opinion is, that when aids to the crown are wanted, they are to be asked of the several assemblies, according to the old established usage, who will, as they have always done, grant them freely; and that their money ought not to be given away without their consent, by persons at a distance, unacquainted with their circumstances and abilities.

Q. But is not the post office, which they have long received, a tax as well as a regulation ?

A. No: the money paid for the postage of a letter is not in the nature of a tax; it is merely a *quantum meruit* for a service done. No person is compellable to pay the money, if he does not chuse to receive the service.

Q. Would the people of America live without the administration of justice in civil matters, and suffer all the inconveniences of such a situation for any considerable time, rather than take the stamps, supposing the stamps were protected by a sufficient force; where every one might have them ?

A. I think the supposition impracticable, that the

stamps should be so protected as that every one might have them.

Q. But in places where they could be protected, would not the people use them, rather than remain in such a situation, unable to obtain any right, or recover by law any debt?

A. It is hard to say what they would do. I can only judge what other people will think, and how they will act, by what I feel within myself. I have debts due to me in America, and I had rather they should remain unrecoverable by law than submit to the stamp act.

Q. If the stamp act should be repealed, would not the Americans think they could oblige the parliament to repeal every external law now in force?

A. It is hard to answer questions, what people at such a distance will think.

Q. But what do you imagine they will think were the motives of repealing the act?

A. I suppose they will think it was repealed from a conviction of its inexpediency.

Q. What do you mean by its inexpediency?

A. I mean its inexpediency on several accounts: the poverty and inability of those who were to pay the tax; the general discontent it has occasioned; and the impracticability of enforcing it.

Q. If the act should be repealed, would the colonies acquiesce in the authority of the legislature? What is your opinion?

A. I don't doubt at all, that if the legislature repeal the stamp act, the colonies will acquiesce in their authority.

Q. But if the legislature should think fit to ascertain its right to lay taxes by any act, laying a small tax contrary to their opinion, would they submit to pay the tax?

A. An internal tax, how small soever, laid by the legislature here upon the people there, will never be submitted

to. They will oppose it to the last. They do not consider it as at all necessary for you to raise money on them by your taxes, because they are, and always have been, ready to raise money by taxes among themselves, and to grant large sums, equal to their abilities, upon requisition from the crown. They have not only granted equal to their abilities, but during all the last war far beyond their abilities, and beyond their proportion with this country, you yourselves being judges. Every year the king sent down to the house a written message to this purpose, that his majesty being highly sensible of the zeal and vigour with which his faithful servants in North America had exerted themselves in defence of his majesty's just rights and possessions; recommended it to the house to take the same into consideration, and enable him to give them a proper compensation. You will find those messages on your own journals every year of the war to the very last; and you did accordingly give 200,000 *l.* annually to the crown, to be distributed in such compensation to the colonies.

Q. Do you think the assemblies have a right to levy money on the subject there, to grant to the crown?

A. I certainly think so—they have always done it.

Q. When money has been raised in the colonies upon requisitions, has it not been granted to the king?

A. Yes, always; but the requisitions have generally been for some service expressed, as to raise, clothe, and pay troops, and not for money only.

Q. If the stamp act should be repealed, and the crown should make a requisition to the colonies for a sum of money, would they grant it?

A. I believe they would.

Q. Why do you think so?

A. I can speak for the colony I live in; I had it in instruction from the assembly, to assure the ministry that as they always had done, so they should always think it



their duty, to grant such aids to the crown as were suitable to their circumstances and abilities, whenever called upon for the purpose in the usual constitutional manner; and I had the honour of communicating this instruction to that honourable gentleman (Mr. George Grenville), then minister.

Q. Would they do this for a British concern, as suppose a war in some part of Europe that did not affect them?

A. Yes, for any thing that concerned the general interest. They consider themselves as a part of the whole?

Q. Don't you know that there is in the Pennsylvanian charter an express reservation of the right of parliament to lay taxes there?

A. I know there is a clause in the charter, by which the king grants that he will levy no taxes on the inhabitants, unless it be with the consent of the assembly, or by an act of parliament.

Q. How then could the assembly of Pennsylvania assert, that laying a tax upon them by the stamp act was an infringement of their rights?

A. They understand it thus—by the same charter, and otherwise, they are entitled to all the privileges and liberties of Englishmen. They find in the great charters, and the petition and declaration of rights, that one of the privileges of English subjects is, that they are not to be taxed but by their common consent. They have therefore relied upon it from the first settlement of the province, that the parliament never would, nor could, by colour of that clause in the charter, assume a right of taxing them, till it had qualified itself to exercise such right by admitting representatives from the people to be taxed, who ought to make a part of that common consent.

Q. Are there any words in the charter that justify this construction ?

A. The common rights of Englishmen, as declared by magna charta, and the petition of right, all justify it.

Q. Does the distinction between internal and external taxes exist in the words of the charter ?

A. No, I believe not.

Q. Then may they not by the same interpretation object to the parliament's right of external taxation ?

A. They never have hitherto: many arguments have been lately used here, to shew them that there is no difference, and that if you have no right to tax them internally, you have none to tax them externally, or make any other law to bind them. At present they do not reason so; but in time they may possibly be convinced by these arguments.

Q. If the stamp act should be repealed, would it induce the assemblies of America to acknowledge the right of parliament to tax them, and would they erase their resolutions ?

A. No, never.

Q. When did you receive the instructions you mentioned ?

A. I brought them with me when I came to England, about fifteen months since.

Q. When did you communicate that instruction to the minister ?

A. Soon after my arrival, while the stamping of America was under consideration, and before the bill was brought in.

After vehement debates, the act repealing the stamp act, accompanied by the declaratory act, passed both houses, and received the royal assent; which happy event was notified by the following excellent

LETTER FROM MR. SECRETARY CONWAY, TO FRANCIS  
BERNARD, ESQ. GOVERNOR OF THE PROVINCE  
OF MASSACHUSETT'S BAY.

*A. D. 1766.*

*St. James's, March 31, 1766.*

SIR,

Herewith I have the pleasure of transmitting to you the copy of two acts of parliament just passed; the first, for securing the just dependency of the colonies on the mother country—the second, for the repeal of the act of the last session, granting certain stamp duties in America; and I expect shortly to send you a third, for the indemnity of such persons as have incurred the penalties imposed by the act just repealed, as such bill is now depending, and has made a considerable progress in the house of commons.

The moderation, the forbearance, the unexampled lenity and tenderness of parliament towards the colonies, which are so signally displayed in those acts, cannot but dispose the province committed to your care to the return of chearful obedience to the laws and legislative authority of Great Britain, and to those sentiments of respectful gratitude to the mother country, which are the natural, and I trust, will be the certain effects of much grace and condescension, so remarkably manifested on the part of his majesty and of the parliament. And the future happiness and prosperity of the colonies will very

much depend on the testimonies they shall now give of these dispositions. For, as a dutiful and affectionate return to such peculiar proofs of indulgence and affection may now, at this great crisis, be a means of fixing the mutual interests and inclinations of Great Britain and her colonies on the most firm and solid foundations, it cannot but appear visible, that the least coolness or unthankfulness, the least murmuring or dissatisfaction, on any ground whatever of former heat, or much prevailing prejudice, may fatally endanger that union, and give the most severe and affecting blow to the future interest of both countries.

You would think it scarce possible, I imagine, that the paternal care of his majesty for his colonies, or the lenity and indulgence of the parliament, should go further than I have already mentioned; yet so full of true magnanimity are the sentiments of both, and so free from the smallest colour of passion or prejudice, that they seem not only disposed to forgive, but to forget those most undeniable marks of an undutiful disposition, too frequent in the late transactions of the colonies, and which, for the honour of these colonies, it were to be wished, had been more discountenanced and discouraged by those who had knowledge to conduct themselves otherwise.

A revision of the late American trade laws is going to be the immediate object of parliament; nor will the late transactions there, however provoking, prevent, I dare say, the full operation of that kind and indulgent disposition prevailing both in his majesty and parliament, to give to the trade and interests of America every relief which the true state of their circumstances demands or admits.

Nothing will tend more effectually to every conciliating purpose, and there is nothing therefore I have in command more earnestly to require of you, than that you should exert yourself earnestly in recommending it strongly to the assembly, that full and ample compensation be



made to those who, from the madness of the people, have suffered for their deference to the acts of the British legislature. And you will be particularly attentive that such persons be effectually secured from any further insult, and that, as far as in you lies, you will take care, by your example and influence, that they may be treated with that respect to their persons, and that justice in regard to all their pretensions, which their merits and sufferings undoubtedly claim.

The resolutions of the house of commons, which by his majesty's commands I transmit to you to be laid before the assembly, will shew you the sense of that house on these points: and I am persuaded it will, as it most certainly ought, be the glory of that assembly to adopt and imitate those sentiments of the British parliament, founded on the clearest principles of humanity and justice. I must mention the one circumstance in particular that should recommend those unhappy people whom the outrage of the populace has driven from America, to the affection of all that country; which is, that unprovoked by the injuries they had suffered to a forgetfulness of what they owed to truth and their country, they gave their testimonies with knowledge, but without passion or prejudice; and those testimonies had, I believe, great weight in persuading the repeal of the stamp act.

I have only to add, which I do with great pleasure, that every part of your conduct has had the entire and hearty approbation of your sovereign; and that the judicious representations in favour of your province, which appear in your letters, laid before both houses of parliament, seem to have their full weight in all those parts of the American interests to which they relate. And as his majesty honours you with his fullest approbation both for the firmness and temperance of your conduct, so I hope your province will cordially feel what they owe to the

governor, whom no outrage could provoke to resentment nor any insult induce to relax in his endeavours to persuade his majesty to shew his indulgence and favour even to the offending part of his people.

I am, &c. &c.

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SPEECH OF GOVERNOR BERNARD TO THE GENERAL ASSEMBLY OF MASSACHUSETT'S BAY, JUNE 3, 1766.

Of the following speech it may be remarked, that it affords but a very unfavourable specimen of sir Francis Bernard's talents for government. The dispatches of general Conway, at this time secretary of state, to the several American governors, and in particular to governor Bernard, were wise, firm, and temperate, breathing the genuine spirit of conciliation; whereas this prolix speech of the governor contains many invidious and useless, if not groundless censures and reproaches; many expressions calculated to excite irritation and resentment; utterly destitute of the least shadow of warrant from the secretary's letter. This injudicious speech drew from the assembly an angry and petulant reply; and laid the foundation of that sort of acrimonious altercation, which is no less inconsistent with the dignity than the harmony of government, and from which all wise statesmen, carefully and solicitously refrain.

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*Gentlemen of the Council, and  
Gentlemen of the House of Representatives,*

I have received a letter from the right honourable Mr. secretary Conway, inclosing two acts of parliament; the one, securing the dependency of the colonies on the mother country; and the other, for the repeal of the stamp act. At the same time he is pleased to signify what his

majesty and his parliament expect from the colonies in return for the indulgencies shewn to them. I am also ordered to recommend to you, that full and ample compensation be made to the late sufferers by the madness of the people. And for that purpose, I am directed to lay before you the votes of the house of commons, expressing their sense upon that subject; whose humanity and justice it is hoped it will be your glory to imitate. The whole of this letter is conceived in such strong patriotic and conclusive terms, that I shall not weaken it by a representation of my own, other than this short recapitulation necessary to introduce what I have to say on the subject.

I cannot but lament that this letter did not arrive before the meeting of the general court. If it had, I flatter myself it would have prevented a transaction which must now be more regretted than ever. I mean your excluding from the king's council the principal crown officers, men not only respectable in themselves, for their integrity, their abilities, and their fidelity to their country, as well as to their king, but also quite necessary to the administration of government in the very station from which you have displaced them. By this you have anticipated the expectations of the king and parliament, and disappointed them before they have been communicated to you. It is not now in your power, in so full a manner as will be expected, to shew your respectful gratitude to the mother country, or to make a dutiful and affectionate return to the indulgence of the king and parliament. It must and will be understood, that these gentlemen are turned out for their deference to acts of the British legislature. Whilst this proceeding has its full effect, you will not, you cannot avoid being chargeable with unthankfulness and dissatisfaction on ground of former heat and prevailing prejudice.

It is impossible to give any tolerable colouring to this proceeding; if it should be justified by asserting a right,

that is, a legal power to chuse whom you please without regard to any considerations whatsoever, the justification itself will tend to impeach the right. But if your right is ever so absolute, the distinction between a right, and the propriety of exercising it, is very obvious; as this distinction has lately been used with great effect to your own interest. Next to wishing that this had never happened, it is to be wished that some measures might be found to draw a veil over it, or at least to palliate it, and prevent its bad effects; which surely must be very hurtful to this province, if it should be maintained and vindicated. If any expedients can be found out for this purpose, I will heartily concur in them; and in general I will make the best use of all means which you shall put into my hands, to save the credit of the province upon this unhappy emergency: and I will set off to the best advantage I can, all other methods which you shall take to demonstrate those sentiments which are expected from you, in the most effectual manner.

*Gentlemen of the House of Representatives,*

The requisition contained in this letter is of a most singular nature, and the only one of the kind that I have known since I have served his majesty in America. It is founded upon a resolution of the house of commons, formed after a full consideration of the matter, and represented to his majesty by the address of that house. The justice and humanity of this requisition is so forcible, that it cannot be controverted; the authority with which it is introduced should preclude all disputation about complying with it. I hope therefore you will add to the merit of compliance, by the readiness of it, and assume to yourself the honour which now offers itself, of setting the first example of gratitude and dutiful affection to the king and parliament, by giving those proofs of it which are now pointed out to you. I must observe, that it is from the provincial assem-



bly that the king and parliament expect this compensation should be made to the sufferers, without referring them to any other persons whatsoever. Who ought finally to be charged with this expense, may be a proper consideration for you, and I shall readily concur with you in your resolutions thereon, after the sufferers have been fully satisfied.

*Gentlemen,*

Both the business and the time are most critical; and let me entreat you to recollect yourselves, and consider well what you are about. When the fate of the province is put in a scale, which is to rise or fall according to your present conduct, will you suffer yourselves to be influenced by party animosities or domestic feuds? Shall this fine country be ruined, because every person in the government has not been gratified with honours or offices according to the full of his pretensions? Shall the private interests, passions, or resentments of a few men, deprive this whole people of the great and manifold advantages which the favour or indulgence of their sovereign and his parliament are even now providing for them? There never was at any time whatsoever, so fair a prospect of the improvement of the peace and welfare of this province as is now opening to you. Will you suffer this pleasant view to be intercepted or over-clouded by the ill-humours of particulars? When wealth and happiness are held out to you, will you refuse to accept of them? Surely after his majesty's commands are known, and the terms in which they are signified well considered, the very persons who have created the prejudices and prepossessions which I now endeavour to combat, will be the first to remove them, and prevent their ill effects.

It is now declared that such is the magnanimity of the king and his parliament, that they seem disposed not only to forgive, but to forget those unjustifiable marks of an unduti-

ful disposition too frequent in the late transactions of the colonies. It is my desire to render this grace as beneficial and extensive within this province as it can well be made. But it must be expected, that whosoever intend to take the benefit of it, should entitle themselves to it by a departure from that offensive conduct which is the object of it. Here then will it be necessary to draw a line to distinguish who are, and who are not the proper objects of the gracious intentions of the king and parliament. And if after this proffered grace, any person should go beyond this line, and still endeavour directly, or indirectly, to foment a division between Great Britain and her colonies, and prevent that connexion of policy and union of interests, which are now in so fair a way of being established to perpetuity; surely that man will have much to answer for to both countries, and will probably be called to answer.

But I hope it will not be so, not in a single instance; but that every person, even they who have given the greatest offence, will embrace this opportunity to restore peace to their country, and obtain indemnity for themselves. And all such who shall really desire to recommend themselves to the king's government, either at home or here, may assure themselves, that without a future delinquency, every thing past will, as far as it can, be buried in total oblivion. No one can suspect me of want of sincerity in making this declaration, as too ready a forgetfulness of injuries hath been said to be my weakness; however, it is a failing I had rather suffer by, than be without.

I have spoke to you with sincerity, openness and earnestness, such as the importance of the subject deserves. When the fate of the province seems to hang upon the result of your present deliberations, my anxiety for the event I hope will make my warmth excusable. If I have let drop any word which may seem severe or unkind, let the cause I am engaged in apologize for it: and where the intention is upright, judge of what I say, not by detached

words and syllables, but by its general purport and meaning. I have always been desirous of cultivating a good understanding with you : and when I recollect the former happy times, when I scarce ever met the general court without giving and receiving testimonies of mutual approbation, I cannot but regret the interruption of that pleasant intercourse, by the successful artifices of designing men, enemies to the country as well as to me. But now that my character for affection to the province and attention to its interests is confirmed by the most authentic testimonials, I hope that at the same time you renew your duty to the king, you will resume a confidence in his representative.

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ADDRESS OF THE HOUSE OF REPRESENTATIVES OF  
MASSACHUSETT'S BAY TO GOVERNOR BERNARD,  
JUNE 5, 1766.

*May it please your Excellency,*

The house have fully considered your excellency's speech of the 3d inst., and beg leave to observe, that as on the one hand no consideration shall ever induce us to remit in the least of our loyalty and gratitude to the best of kings, so on the other, no unprovoked asperity of expression on the part of your excellency, can deter us from asserting our undoubted charter rights and privileges. One of the principal of those is, that of annually choosing his majesty's council for this province.

Had the most excellent letter from one of his majesty's principal secretaries of state, which has been communicated to the house, arrived sooner, it could not have prevented the freedom of our elections ; nor can we, on the strictest examination of the transactions of the day of our general election, so far as the house was concerned, dis-

cover the least reason for regret. So long as we shall have our charter privileges continued, we must think ourselves inexcusable if we should suffer ourselves to be intimidated in the free exercise of them. This exercise of our rights can never with any colour of reason be adjudged an abuse of our liberty.

Lest we should be at a loss for the proceedings and transactions which have given your excellency so much uneasiness, you have been pleased to inform us in express terms, that you mean the excluding from the king's council the principal crown officers, men not only respectable in themselves for their integrity, their abilities, and their fidelity to their country, as well as to their king, but also quite necessary to the administration of government in the very station from whence we have displaced them. Had your excellency thought fit to have favoured us with your sentiments and opinion of the candidates, previous to the election, it could not have more arrested our attention as a breach of our privileges; and it would surely be as proper to give intimations of this kind before, as now the business is past a remedy for this year at least. The assembly of another year will act for themselves, or under such influence and direction as they may think fit. The two crown officers who were of the honourable board last year, and not chosen this, are the lieutenant-governor and secretary. The other gentlemen of the board last year, who are not chosen this, hold only provincial commissions. This province has subsisted and flourished, and the administration of government has been carried on here entirely to the royal approbation, when no crown officers had a seat at the board, and we trust this may be the case again. We find not in the secretary of state's letter the least intimation, that it was expected by his majesty, or his ministry, that we should elect into his majesty's council, the principal, or indeed any other crown officers. For any thing that appears in



the letter, we are left entirely to the exercise of our own judgment, and best discretion, in making our elections agreeably to the royal charter.

If it is not now in our power, in so full a manner as will be expected, to shew our respectful gratitude to the mother country, or to make a dutiful affectionate return to the indulgence of the king and parliament, it shall be no fault of ours: for this we intend, and hope we shall be able fully to effect.

We cannot persuade ourselves that it must, and will be understood, that those gentlemen were turned out, as your excellency is pleased to express it, for their deference to acts of the British legislature. We have given the true reason of this proceeding in our answer to your excellency's first speech of this session. We are under no apprehension, that when the true grounds and reasons of our proceedings shall be known, and candidly considered, we shall be in the least degree chargeable with unthankfulness, and dissatisfaction, on ground of former heat and prevailing prejudice, or on any other ground.

Your excellency says, it is impossible to give any tolerable colouring to this proceeding. The integrity and uprightiness of our intentions and conduct are such, that no colouring is requisite, and therefore we shall excuse ourselves from attempting any. We hold ourselves to be quite free in our suffrages, and provided we observe the directions of our charter, and the laws of the land, both which we have strictly adhered to, we are by no means accountable, but to God, and our own consciences, for the manner in which we give them. We believe your excellency is the first governor of this province that ever formally called the two houses of assembly to account for their suffrages, and accused them of ingratitude and disaffection to the crown, because they had not bestowed them upon such persons as, in the opinion of the governor, were quite necessary

to the administration of government. Had your excellency been pleased, in season, to have favoured us with a list, and positive orders whom to choose, we should, on your principles, have been without excuse. But even the most abject slaves are not to be blamed for disobeying their master's will and pleasure, when it is wholly unknown to them.

Your excellency says, "If it should be justified by asserting a right, that is, a legal power to choose whom we please without regard to any considerations whatever, the justification itself will tend to impeach the right." We clearly assert our charter rights of a free election; but for your excellency's definition of this right, viz. "a legal power to choose whom we please without regard to any considerations whatever," we contend not. We made our elections after the most mature and deliberate consideration, and had special regard to the qualifications of all the candidates, and, all circumstances considered, chose those we judged most likely to serve his majesty and promote the welfare and prosperity of his people.

We cannot conceive how the assertion of our clear charter rights of free election, can tend to impeach that right or charter. We would hope that your excellency does not mean openly and publicly to threaten us with a deprivation of our charter privileges, merely for exercising them according to our best judgment and discretion. As dear to us as our charter is, we should think it of very little value, if it should be adjudged that the sense and spirit of it require the electors should be under the absolute direction and controul of the chair, even in giving suffrages; for whatever may be our ideas of the wisdom, prudence, mildness, and moderation of your administration, and of your forgiving spirit, yet we are not sure your successor will possess those shining virtues.

We are very sensible, that be our right of election ever

so clear and absolute, there is a distinction between a right, and the propriety of exercising it. This distinction we hope will apply itself with full force and all its advantage, to your excellency's reluctant exertion of the prerogative, in disapproving six of the gentlemen chosen by the two houses of assembly; but this being a matter of discretion, is solely within your excellency's breast, and we are taught by your just distinction, that such is the gift of our suffrages. It therefore gives us great pain to have our discretion questioned, and our public conduct thus repeatedly arraigned.

Your excellency has intimated your readiness to concur with us in any palliative or expedient to prevent the bad effect of our elections, which you think must surely be very hurtful to the province, if it should be maintained and vindicated. But as we are under no apprehensions of any such effects, especially when we reflect on the ability and integrity of the council your excellency has approved of, we beg leave to excuse ourselves from any unnecessary search after palliatives or expedients.

We thank your excellency for your kind assurances of using all means to save the credit of this province: but we conceive, that when the true state of the province is represented and known, its credit can be in no kind of danger. The recommendation enjoined by Mr. secretary Conway's letter, and in consequence thereof made to us, we shall embrace the first convenient opportunity to consider and act upon. In the mean time we cannot but observe, that it is conceived in much higher and stronger terms in the speech than in the letter. Whether in thus exceeding, your excellency speaks by your own authority or a higher, is not with us to determine.

However, if this recommendation, which your excellency terms a requisition, be founded on "so much justice and humanity that it cannot be controverted;" if "the

authority with which it is introduced should preclude all disputation about complying with it," we should be glad to know what freedom we have in the case?

In answer to the questions which your excellency has proposed with so much seeming emotion, we beg leave to declare, that we will not suffer ourselves to be in the least influenced by party animosities or domestic feuds, let them exist where they may; that if we can possibly prevent it, this fine country shall never be ruined by any person; that it shall be through no default of ours, should this people be deprived of the great and manifest advantages which the favour and indulgence of our most gracious sovereign and his parliament are even now providing for them. On the contrary, that it shall ever be our highest ambition, as it is our duty, so to demean ourselves in public and in private life, as shall most clearly demonstrate our loyalty and gratitude to the best of kings, and thereby recommend this people to further gracious marks of the royal clemency and favour.

With regard to the rest of your excellency's speech, we are constrained to observe, that the general air and style of it savours much more of an act of free grace and pardon, than of a parliamentary address to the two houses of assembly; and we most sincerely wish your excellency had been pleased to reserve it, if needful, for a proclamation.

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In the session of 1767, the fatal project of taxing America was revived by the new chancellor of the exchequer, Mr. Charles Townshend, whose subtile genius first devised, and whose eloquence, with deceitful plausibility, maintained the distinction between taxing the Americans internally and externally, for the purpose of revenue. From



that period the political aspect of affairs became daily more threatening throughout the continent. And upon all occasions the province of Massachusetts's Bay appeared to stand foremost in vindication of those rights and liberties which they considered as unjustly and dangerously attacked, and which they were fully determined, if necessary, to expend the last drop of their blood in order to defend.

The resolution taken by the court of London in 1768, to station a military force in the vicinity of Boston, excited the most indignant emotions of anger and resentment. The system of oppression under which they felt themselves fettered and enthralled was now, as it seemed, to be openly supported, and finally established by the power of the sword.

On the 12th September, 1768, a general meeting was convened, of the freeholders and other principal inhabitants of the town of Boston, at Faneuil-hall, of which Mr. James Otis was chosen moderator. The meeting being opened with prayer by the reverend doctor Cooper, the following votes unanimously passed :

That it having been reported in this town meeting, that his excellency the governor has intimated his apprehensions that one or more regiments of his majesty's troops are daily to be expected here—the honourable Thomas Cushing, Esq. Mr. Samuel Adams, Richard Dana, Esq. Benjamin Kent, Esq. and Dr. Joseph Warren, be a committee to wait upon his excellency, humbly requesting that he would be pleased to communicate to the town the grounds and assurances he may have thereof.

That the following petition be presented to his excellency the governor; the committee appointed for that purpose being directed humbly to request his excellency to favour the town with an immediate answer.



TO HIS EXCELLENCY FRANCIS BERNARD, ESQ.

*May it please your Excellency,*

The inhabitants of the town of Boston, legally assembled, taking into consideration the critical state of the public affairs, more especially the present precarious situation of our invaluable rights and privileges, civil and religious, most humbly request that your excellency would be pleased forthwith to issue precepts for a general assembly to be convened with the utmost speed, in order that such measures may be taken, as in their wisdom they may think proper, for the preservation of our said rights and privileges, &c.

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A committee was also appointed to take the state of public affairs into consideration, and to report the measures they apprehended most salutary to be taken in the present emergency.

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The answer of the governor to the request and petition of the meeting was as follows :

*Gentlemen,*

My apprehensions that some of his majesty's troops are to be expected in Boston, arise from information of a private nature: I have received no public letters notifying to me the coming of such troops and requiring quarters for them; whenever I do, I shall communicate them to his majesty's council. The business of calling another assembly for this year is now before the king, and I can do nothing in it until I receive his majesty's commands.

The committee appointed to take the state of public affairs into consideration, made a report on the 13th September, containing the following resolves :

That the levying money within this province for the use and service of the crown, in other manner than the same is granted by the great and general court or assembly of this province, is in violation of the royal charter, and the undoubted rights of British subjects. And, that the raising or keeping a standing army in this province without their consent in person, or by representatives of their own free election, would be an infringement of their natural, constitutional, and chartered rights.

The question being put, whether the same shall be accepted and recorded, it passed unanimously in the affirmative.

And furthermore, as his excellency the governor had declared himself unable, at the request of this town, to call a general court, which is the assembly of the states of this province, for the redress of grievances, it was with the same zeal and unanimity voted,

That the SELECT MEN be directed to write to the several towns within the province, proposing that a CONVENTION be held at Fancuil-hall, in Boston, on the 22d September instant.

Resolutions also at the same time passed, recommending to the householders throughout the provinces to provide themselves, agreeably to an existing law, with fire-arms, &c. in order to be prepared against any sudden danger—and directing the select men to wait upon the several ministers of the gospel within the town, being of opinion, as they expressed themselves, that it greatly behoves a people professing godliness, to address the Supreme Ruler of the world, on all occasions, for that wisdom which is profitable to direct, desiring that the next Tuesday may be set apart, as a day of fasting and prayer.

On the 22d of September, 1768, the convention thus irregularly summoned, assembled at Faneuil-hall, delegated from sixty-six, afterwards increased to ninety-eight towns of the provinces, besides districts. Their debates and proceedings were open, and in a short time they agreed upon the following petition to his excellency the governor.

*May it please your Excellency,*

The committee chosen by the several towns in this province, and now convened in Boston, to consult and advise such measures as may most effectually promote the peace and good order of his majesty's subjects in this government, at this very dark and distressing time, take the earliest opportunity openly to disclaim all pretence to any authoritative or government acts: nevertheless, as we freely and voluntarily come from the different parts of the province, at the earnest desire of the inhabitants, and must be supposed to be well acquainted with their prevailing temper, inclination, and sentiments, under the present threatening aspect of our public affairs, we think ourselves indispensably obliged, from a sense of duty to his majesty, to whom we and the people of this province bear the firmest allegiance, and from the tenderest concern for the welfare of his subjects, with all due respect to your excellency, to declare our apprehensions of the absolute necessity of a general assembly. If ever this people needed the direction, the care, and the support of such an assembly, we are humbly of opinion that their present circumstances immediately require it.

Your excellency cannot be insensible of their universal uneasiness, arising from their grievances—occasioned by the late acts of parliament for an America revenue; from an authentic information that the dutiful and loyal petition of the late house of representatives has not been allowed to reach the presence of our gracious king; from the dis-

solution of the late general assembly ; from undoubted advice, that the enemies of Britain and the colonies are still unwearied in the most gross misrepresentations of the people of the province to his majesty's ministers, as being on the eve of a general insurrection ; and from the alarming intelligence that the nation, by means of such misrepresentations, is incensed to a high degree, so that it is generally apprehended that a standing army is immediately to be introduced among the people, contrary, as we apprehend, to the bill of rights ;—a force represented to be sufficient to over-awe and controul the whole civil power of the province ; which must render every right and possession dreadfully precarious.

From these weighty considerations, and also that the people may not be thrown into a total despair ; that they may have a fresh opportunity at the next meeting of the parliament, of taking off the impression from the mind of the nation, made by such misrepresentation as is before mentioned, and by that means, preventing the most unhappy consequences to the parent country, as well as ourselves ; we beg leave most earnestly to pray, that your excellency would commiserate his majesty's truly loyal subjects of this province, under their deplorable circumstances, and restore to them the full possession of their invaluable charter right to a general assembly, and cause one to be immediately convened, that the most effectual measures may be taken in the manner prescribed by our happy constitution, for the redress of grievances, for the preventing an unconstitutional encroachment of military power on the civil establishment, for the promoting the prosperity of his majesty's government, and the peace, good order, and due submission of his subjects in the province, and making the necessary provision for the support of government ; and finally, for the restoration of that harmony, union, and affection between the nation and the colonies, which appear to us to be in the utmost danger of



being totally and irrecoverably lost. As in duty bound the committee shall ever pray.

In the name and behalf of the committee,  
THOMAS CUSHING, chairman.

This temperate, judicious, and respectful petition, the governor thought proper to refuse to receive; assigning as his reason, in a paper which he delivered to the gentlemen nominated to present it, that such reception would be an admission of the legality of the meeting, which he could by no means allow.

The day following the chairman acquainted the committee, that he had received from the secretary of the province, a writing signed by the governor, and addressed to the gentlemen assembled at Faneuil-hall, under the name of a committee of convention.

The writing was ordered to be publicly read as follows:

BY HIS EXCELLENCY FRANCIS BERNARD, ESQ. &c. &c.

As I have lately received from his majesty strict orders to support his constitutional authority within this government, I cannot sit still and see so notorious a violation of it as the calling an assembly of the people by private persons only: for a meeting of the deputies of the towns, is an assembly of the representatives of the people to all intents and purposes; and it is not the calling it a committee of convention, that will alter the nature of the thing.

I am willing to believe that the gentlemen who so hastily issued the summons for this meeting, were not aware of the high nature of the offence they were committing; and they who have obeyed them, have not well considered of the penalties which they will incur, if they should persist in continuing their session, and doing business therein. At present, ignorance of law may excuse what is past; a step farther will take away that plea. It is therefore my



duty to interpose at this instant, before it is too late. I do therefore earnestly admonish you, that instantly, and before you do any business, you break up this assembly and separate yourselves. I speak to you now as a friend to the province, and a well-wisher to the individuals of it. But if you should pay no regard to this admonition, I must, as a governor, assert the prerogative of the crown in a more public manner. For assure yourselves I speak from instruction: the king is determined to maintain his entire sovereignty over this province; and whoever shall persist in usurping any of the rights of it, will repent of his rashness.

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On the 24th of September, 1768, five gentlemen were appointed to wait upon the governor with the following address: ●

*May it please your Excellency,*

The committee from a number of towns in this province, now convened at Faneuil-hall, having received from your excellency a message containing a remonstrance against our thus meeting, and an admonition to break up and separate ourselves instantly, and before we do any business; have taken the same into our serious and attentive consideration; and we assure your excellency, that though according to the best of our abilities we have considered the matters that are hinted by your excellency as the foundation of your message, yet we are not able to collect sufficient information therefrom, to place our present meeting and proceedings in the same light in which they seem to lie in your excellency's mind. We do assure your excellency most freely, that neither the views of our constituents in sending us, nor the design of any of us in this meeting, was to do, propose, or consent, to any thing oppugnant

to, or inconsistent with, the regular execution of government in this his majesty's province; and that though the letters from the select men of the town of Boston, to the respective towns from which we came, might first give rise to our being chosen and sent; yet that neither the said letter from the select men of the town of Boston, nor any votes of the said town accompanying the same, were considered by our respective towns in the choosing, nor by us in our assembling, as the foundation and warrant of our convening. But may it please your excellency, being assured that our constituents as well as ourselves, have the most loyal and affectionate attachment to the person and government of our rightful sovereign king George III. we beg leave to explain to your excellency the real cause and intention of our meeting.

Your excellency cannot be unacquainted with the many difficulties under which his majesty's subjects on the whole continent of America, apprehend themselves to labour, and of the uneasiness which the subjects in this province have repeatedly expressed on the same account. The minds of the people who have sent us are greatly disturbed, that the humble and dutiful petition of their representatives, for the removal of those difficulties, has not been permitted to reach the royal ear: and they are greatly agitated with the expectation of a standing army being posted among us, and of the full exertion of a military government. Alarmed with these apprehensions, and deprived of a house of representatives, their attention is too much taken off from their daily occupations. Their morals and industry are in danger of being damaged, and their peaceable behaviour disturbed for want of such persons as they can confide in, to advise them in these matters, and to make application for their redress.

Your excellency will further naturally conceive, that those of his majesty's subjects who live remote from Bos-

ton, the centre of their intelligence, and whose occupations do not admit of much knowledge of public affairs, are subjected to many misrepresentations of their public concerns, and those generally of a most aggravated kind : nor is it in the power of the most knowing persons amongst us, to wipe off the pernicious effects of such rumours, without the appearance of a public inquiry.

Induced by these motives, and others of the same kind, our constituents thought it no ways inconsistent with good order and regular government, to send committee men to meet with such committees as might be sent from the several towns in the province to confer upon these matters; and learn the certainty of those rumours prevailing amongst us; and to consult and advise, as far as comes legally within their power, to such measures as would have the greatest tendency to preserve the peace, and good order among his majesty's subjects, and promote their due submission; and at the same time to consult the most regular and dutiful manner of laying our grievances before our most gracious sovereign, and obtaining a redress of the same. This, we assure your excellency, is the only cause and intention of our thus convening; and we are exceeding sorry it should be viewed by your excellency in an obnoxious light.

Your excellency may be assured, that had our constituents conceived, or did their committee thus convened; conceive this proceeding to be illegal, they had never sent us, nor should we pretend to continue our convention : but as your excellency, in the message with which you have been pleased to favour us, has not been so explicit in pointing out the criminality of our present proceedings as we could have wished, but has left us to our own judgment and understanding to search it out, we would with all duty to your excellency, as the representative of our rightful sovereign, request of your excellency to point out to

us wherein the criminality of our proceedings consists, being assured we cautiously mean to avoid every thing that has the least appearance of usurpation of government in any of its branches, or any of the rights of his majesty's sovereignty, or that is in the least incentive to rebellion, or even a mental disaffection to the government, by a law established and exercised.

Your excellency will be pleased, in your well-known knowledge of human nature, and the delicacy of British privileges, to be sparing in your frowns on our present proceeding; we being at present inclined to think, till better informed, that if criminality be imputed to us, it will be applied only to our doings, and not to the professed manner and design of our meeting. But if your excellency has a different apprehension of the matter, we entreat an explanation of the same, and assure your excellency we shall deliberately attend to it. Nothing could give us more uneasiness than a suggestion that our proceedings are criminal; not so much from a fear of personal punishment, as from a fixed aversion we have to any thing inconsistent with the dignity of our sovereign, and the happiness of his extended dominion: and we flatter ourselves, that when the real design of this convention is understood, it will prove an argument to evince the entire loyalty of his majesty's subjects in this province, and their disposition to peace and good order.

In the name and behalf of the committee of a number of towns in this province convened in Boston, September 24th, 1768,

THOMAS CUSHING, chairman.

The gentlemen appointed to present this address, reported also in writing, that they had waited for this purpose on his excellency, who was pleased to say he could not receive the message.

On the 29th of September the committee of convention;



which appears to have acted under some degree of intimidation from the threats of the governor, after drawing up a representation of the grievances and apprehensions of their constituents, thought it expedient to terminate their short but dangerous session, which served only to indicate the distempered state of the public mind in this great colony, arising from the strange and pernicious policy which actuated the counsels of the mother country.

On the 1st of October following, a great military force entered the town of Boston, in a sort of triumphal array; a very considerable fleet being at the same time stationed in the harbour, so that the inhabitants considered themselves as proscribed persons, over whose heads the sword was suspended by a single hair; and the golden cord by which America had been hitherto bound to Britain, in interest, in duty, and affection, was, by the wicked magic of ministers, transformed into the iron chain of a vile and remorseless despotism.

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On the 27th of October, 1768, an address was presented to general Gage, commander in chief of the army, by a class of men, whose sentiments merited in the present crisis the deepest attention and regard: these were the members of the council of the province of Massachusetts Bay; men of the highest respectability in the province, and whose opinion in all matters relative to the peace and welfare of it, a wise government would have been solicitous to obtain as the best and the safest guide to follow.

ADDRESS OF HIS MAJESTY'S COUNCIL OF THE PROVINCE  
OF MASSACHUSETT'S BAY, TO HIS EXCELLENCY  
GENERAL GAGE, &c.

SIR,

A general council being held yesterday, gives the distant members of it, together with members in the town



and neighbourhood, the pleasure of addressing you. We take the first opportunity of doing it, and at the same time of paying our compliments to your excellency.

In this time of public distress, when the general court of the province is in a state of dissolution; when the metropolis is possessed with troops, and surrounded by ships of war, and when more troops are daily expected, it affords a general satisfaction, that your excellency has visited the province, and has now an opportunity of knowing the state of it by your own observation and inquiry. Your own observations will give you the fullest evidence, that the town and province are in a peaceful state. Your own inquiry will satisfy you, that though there have been disorders in the town of Boston, some of them did not merit notice; and that such as did, have been magnified beyond the truth. Those of the 18th March, and 10th June, are said to have occasioned the above-mentioned armament to be ordered hither. The first was trivial, and could not have been noticed to the disadvantage of the town, but by persons inimical to it; especially as it happened in the evening of a day of recreation. The other was criminal, and the actors in it were guilty of a riot; but we are obliged to say it had its rise from those persons who are loudest in their complaints about it, and who by their over-charged representations of it, have been the occasion of so great an armament being ordered hither. We cannot persuade ourselves to believe they have sufficient evidence to support such representations, which have most unjustly brought into question the loyalty of as loyal a people as any in his majesty's dominions.

This misfortune has arisen from the accusation of interested men, whose avarice having smothered in their breasts every sentiment of humanity towards this province, has impelled them to oppress it to the utmost of

their power, and by the consequence of that oppression essentially to injure Great Britain.

From the candour of your excellency's sentiments, we assure ourselves you will not entertain any apprehension that we mean to justify the disorders and riotous proceedings that have taken place in the town of Boston. We detest them, and have repeatedly and publicly expressed that detestation, and in council have advised governor Bernard to order the attorney-general to prosecute the perpetrators of them: but at the same time we are obliged to declare, in justice to the town, that the disorders of the 10th of June last, occasioned by a seizure made by the officers of the customs, appear to have originated with those who ordered the seizure to be made. The hour of making the seizure, at or near sun-set, the threats and armed force used in it, the forcibly carrying the vessel away, and all in a manner unprecedented, and calculated to irritate, justify the apprehension, that the seizure was accompanied with those extraordinary circumstances in order to excite a riot, and furnish plausible pretences for requiring troops a day or two after the riot. And, as if in prosecution of the last mentioned purpose, notwithstanding there was not the least insult offered to the commissioners of the customs, either in their persons or property, they thought fit to retire, on the pretence of security to themselves, on board the Romney man of war, and afterwards to Castle William; and when there, to keep up the idea of their being still in great hazard, procured the Romney and several other vessels of war to be stationed as if to prevent an attack upon the castle, which they affected to be afraid of.

These proceedings have doubtless taken place to induce a belief among the officers of the navy and army, as they occasionally came hither, that the commissioners were in danger of being attacked, and procure from those officers representations coincident with their own, that they really

were so ; but their frequent landing on the main land, and making incursions into the country, where it would have been easy to seize them if any injury had been intended, demonstrates the insincerity of the declarations that they immured themselves at the castle for safety. This is rather to be accounted for as being an essential part of the concerted plan for procuring troops to be quartered here, in which they and their coadjutors have succeeded to their wish, but unhappily to the mutual detriment and uneasiness of both countries.

We thought it absolutely necessary, and our duty to the town and province requires us to give your excellency this detail, that you might know the sentiments of this people, and that they think themselves injured, and injured by men to whom they have done no injury. From the justness of your excellency, we assure ourselves your mind will not admit impressions to their disadvantage, from persons who have done the injury.

Your excellency, in your letter to governor Bernard of the 12th September, gave notice, that one of the regiments from Halifax was ordered for the present to Castle William, and the other to the town ; but you was pleased afterwards to order them both into the town. If your excellency, when you know the true state of the town, which we can assure you is quite peaceable, should think his majesty's service does not require those regiments to continue in the town, it will be a great ease and satisfaction to the inhabitants if you will please to order them to Castle William, where commodious barracks are provided for their reception, or to Point Shirley, in the neighbourhood of it, in either of which, or in both, they can be well accommodated.

As to the two regiments expected here from Ireland, it appears from lord Hillsborough's letter of the 30th July, they were intended for a different part of North America.

If your excellency should not think it inconsistent with

his majesty's service that they should be sent to the place of their first destination, it will contribute to the ease and happiness of the town and province if they might be ordered thither.

As we are true and faithful subjects of his majesty, have an affectionate regard for the mother country, and a tender feeling for our own, our duty to each of them makes us wish, and we earnestly beg your excellency to make, a full inquiry into the disorders above-mentioned, into the causes of them, and the representations that have been made about them; in doing which, your excellency will easily discover who are the persons that from lucrative views have combined against the peace of the town and province, some of whom it is probable have discovered themselves already, by their own letter to your excellency.

In making the inquiry, though many imprudencies and some criminal proceedings may be found to have taken place, we are persuaded, from the candour, generosity, and justice, which distinguish your character, your excellency will not charge the doings of a few, and those of an inferior sort, upon the town and province: and with regard to these individuals, if any circumstances shall appear justly to extenuate the criminality of their proceedings, your excellency will let them have their effect: and on the same candour and generosity we can rely, that your excellency's representations of this affair to his majesty's ministers, will be such as even the criminals themselves will allow to be just.

*Boston, October 27, 1768.*

(Signed)

J. DANFORTH.

To this address general Gage returned a cold and evasive answer, stating the obligation he was under to act conformably to the orders he had received, and expressing



his hope that the future behaviour of the inhabitants would justify the most favourable construction of their past conduct, and afford him a sufficient foundation to represent to his majesty the propriety of withdrawing the greater part of the troops.

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PROTEST AGAINST THE ACT FOR THE BETTER REGULATING THE GOVERNMENT OF THE PROVINCE OF MASSACHUSETT'S BAY.

A. D. 1774.

*Die Mercurii, 11<sup>o</sup> Maii, 1774.*

The question being put, whether the bill entitled "An Act for the better regulating," &c. with the amendments, do pass; after a long debate it was resolved in the affirmative.

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*Dissentient,*

I. Because this bill, forming a principal part in a system of punishment and regulation, has been carried through the house without a due regard to those indispensable rules of public proceeding, without the observance of which no regulation can be prudently made, and no punishment justly inflicted. Before it can be pretended that those rights of the colony of Massachusetts Bay in the election of counsellors, magistrates and judges, and in the return of jurors, which they derive from their charter, could with propriety be taken away, the definite legal offence by which a forfeiture of that charter is incurred, ought to have been clearly stated, and fully



proved. Notice of this adverse proceeding ought to have been given to the parties affected, and they ought to have been heard in their own defence. Such a principle of proceeding would have been inviolably observed in the courts below. It is not technical formality, but substantial justice. When, therefore, the magnitude of such a cause transfers it from the cognizance of the inferior courts to the high judicature of parliament, the lords are so far from being authorized to reject this equitable principle, that we are bound to an extraordinary and religious strictness in the observance of it. The subject ought to be indemnified by a more liberal and beneficial justice in parliament for what he must inevitably suffer by being deprived of many of the forms which are wisely established in the courts of ordinary resort, for his protection against the dangerous promptitude of arbitrary discretion.

II. Because the necessity alleged for this precipitate mode of judicial proceeding cannot exist. If the numerous land and marine forces which are ordered to assemble in Massachusetts's Bay are not sufficient to keep that single colony in any tolerable state of order until the cause of its charter can be fairly and equally tried, no regulation in this bill, or in any of those hitherto brought into the house, are sufficient for that purpose; and we conceive that the mere celerity of a decision against the charter of that province, will not reconcile the minds of the people to that mode of government which is to be established upon its ruins.

III. Because lords are not in a situation to determine how far the regulations of which this bill is composed agree or disagree with those parts of the constitution of the colony that are not altered, with the circumstances of the people, and with the whole detail of their municipal institutions. Neither the charter of the colony, nor any account whatsoever of its courts, and judicial proceed-

ings, their mode, or the exercise of their present powers, have been produced to the house. The slightest evidence concerning one of the many inconveniences stated in the preamble of the bill to have arisen from the present constitution of the colony judicatures, has not been produced, or even attempted. On the same general allegations of a declamatory preamble, any other right, or all the rights of this, or any other public body, may be taken away, and any visionary scheme of government substituted in their place.

IV. Because we think that the appointment of all the members of the council, which by this bill is vested in the crown, is not a proper provision for preserving the equilibrium of the colony constitution. The power given to the crown, of occasionally increasing or lessening the number of the council on the report of governors, and at the pleasure of ministers, must make these governors and ministers masters of every question in that assembly; and by destroying its freedom of deliberation, will wholly annihilate its use. The intention avowed in this bill, of bringing the council to the platform of other colonies, is not likely to answer its own end, as the colonies where the council is named by the crown are not at all better disposed to a submission to the practice of taxing for supply without their consent, than this of Massachusetts's Bay. And no pretence of bringing it to the model of the English constitution can be supported, as none of those American councils have the least resemblance to the house of peers. So that this new scheme of a council stands upon no sort of foundation which the proposers of it think proper to acknowledge.

V. Because the new constitution of judicature provided by this bill, is improper, and incongruous with the plan of the administration of justice in Great Britain. All the judges are to be henceforth nominated not by the crown but by the governor; and all, except the judges of the superior

court, are to be removeable at his pleasure, and expressly without the consent of that very council which has been nominated by the crown. The appointment of the sheriff is by the will of the governor only, and without requiring in the person appointed any local or other qualification. That the sheriff, a magistrate of great importance to the whole administration and execution of all justice civil and criminal, and who in England is not removeable even by the royal authority during the continuance of the term of his office, is by this bill made changeable by the governor and council as often, and for such purposes, as they shall think expedient. The governor and council, thus entrusted with powers with which the British constitution has not trusted his majesty and his privy council, have the means of returning such a jury in each particular cause as may best suit with the gratification of their passions and interests. The lives, liberties, and properties of the subject are put into their hands without controul, and the invaluable right of trial by jury is turned into a snare for the people, who have hitherto looked upon it as their main security against the licentiousness of power.

VI. Because we see in this bill the same scheme of strengthening the authority of the officers and ministers of state, at the expense of the rights and liberties of the subject, which was indicated by the inauspicious act for shutting up the harbour of Boston. By that act, which is immediately connected with this bill, the example was set, of a large important city containing vast multitudes of people, many of whom must be innocent, and all of whom are unheard, by an arbitrary sentence deprived of the advantage of that port upon which all their means of livelihood did immediately depend. This proscription is not made determinable on the payment of a fine for an offence, or a compensation for an injury; but is to continue till the ministers of the crown shall think fit to advise the king

in council to revoke it. The legal condition of the subject, standing unattainted by conviction for treason or felony, ought never to depend upon the arbitrary will of any person whatsoever. This act, unexampled on the records of parliament, has been entered on the journals of this house as voted *nemine dissentiente*, and has been stated in the debate of this day to have been sent to the colonies as passed without a division in either house, and therefore as conveying the uncontroverted universal sense of the nation. The despair of making effectual opposition to an unjust measure, has been construed into an approbation of it. An unfair advantage has been taken, on the final question for passing that penal bill, of the absence of those lords who had debated it for several hours, and strongly dissented from it on the second reading; that period on which it is most usual to debate the principle of a bill. If this proceeding were to pass without animadversion, lords might think themselves obliged to reiterate their debates at every stage of every bill which they oppose, and to make a formal division whenever they debate.

VII. Because this bill, and the other proceedings that accompany it, are intended for the support of that unadvised scheme of taxing the colonies, in a manner new and unsuitable to their situation and constitutional circumstances. Parliament has asserted the authority of the legislature of this kingdom supreme and unlimited over all the members of the British empire. But the legal extent of this authority furnishes no argument in favour of an unwarrantable use of it. The sense of the nation on the repeal of the stamp act was, that in equity and sound policy, the taxation of the colonies for the ordinary purposes of supply ought to be forborne; and that this kingdom ought to satisfy itself with the advantages to be derived from a flourishing and increasing trade, and with the free grants of the American assemblies, as being far more beneficial.



far more easily obtained, less oppressive, and more likely to be lasting, than any revenue to be acquired by parliamentary taxes, accompanied by a total alienation of the affections of those who were to pay them. This principle of repeal was nothing more than a return to the ancient standing policy of this empire. The unhappy departure from it has led to that course of shifting and contradictory measures, which have since given rise to such continued distractions; by which unadvised plan new duties have been imposed in the very year after the former had been repealed: these new duties, afterwards in part repealed, and in part continued, in contradiction to the principles upon which those repealed were given up; all which, with many weak, injudicious, and precipitate steps taken to enforce a compliance, have kept up that jealousy, which on the repeal of the stamp act was subsiding, revived dangerous questions, and gradually estranged the affections of the colonies from the mother country, without any object of advantage to either. If the force proposed should have its full effect, that effect we greatly apprehend may not continue longer than whilst the sword is held up. To render the colonies permanently advantageous, they must be satisfied with their condition. That satisfaction we see no chance of restoring, whatever measures may be pursued, except by recurring in the whole to the wise and salutary principles on which the stamp act was repealed.

Richmond,  
 Portland,  
 Abington,  
 King,  
 Effingham,  
 Ponsonby,

Rockingham,  
 Abergavenny,  
 Leinster,  
 Craven,  
 Fitzwill'am.



## DECLARATION OF INDEPENDENCE OF THE UNITED STATES OF AMERICA, JULY 4, 1776.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident : that all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, and the pursuit of happiness ; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ; and whenever any form of government becomes destructive of these ends, it is the right of the people to alter and abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate, that governments long established should not be changed for light and transient causes, and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government.

The history of the present king of Great Britain, is a history of repeated injuries and usurpations; all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained: and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accomodation of large districts of people, unless those people would relinquish the rights of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representatives' houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolution to cause others to be erected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these states: for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has crected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their subsistence.

He has kept among us in times of peace standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws—giving his consent to their pretended acts of legislation :

For quartering large bodies of armed troops among us :

For protecting them by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us in many cases of the benefit of trial by jury :

For transporting us beyond seas to be tried for pretended offences :

For abolishing the free system of English laws in a neighbouring province; establishing therein an arbitrary government, and enlarging its boundaries; so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren: we have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us: we have reminded them of the circumstances of our emigration and settlement here: we have appealed to their native justice and magnanimity; and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and consanguinity. We must therefore acquiesce in the necessity which de-



nounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the supreme JUDGE of the WORLD for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; and that they are absolved from all allegiance to the British crown; and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

Signed by order and in behalf of the congress,

JOHN HANCOCK, president.

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CORRESPONDENCE BETWEEN LORD HOWE AND  
DR. BENJAMIN FRANKLIN.

A. D. 1776.

The lamentable and egregious errors which have for a very long series of years distinguished the present reign, seem almost to convert the bare recital of facts into a libel. The incomparable folly which dictated the haughty rejection of the second American petition presented by governor Penn, was productive of the most deplorable consequences. Of all the persons who composed the pre-



ent administration, the duke of Grafton had the singular merit of discerning the impolicy and injustice of this rejection, and the still greater merit of supporting his opinion by an immediate resignation of his office as lord privy seal, and at the subsequent meeting of parliament by a noble avowal of the errors into which he had been insensibly led, from this time forward exerting his utmost efforts, as a member of opposition, in resisting the ministerial plan of coercion.

In the royal speech at the opening of the session, October 26, 1775, an intimation was given, that commissioners would speedily be appointed for the purpose of restoring the king's peace throughout the colonies; but the whole winter passed over without any step being taken to effectuate this object, although every month and every day became more critical than the preceding. At length, late in the spring of 1776, lord Howe, and his brother, the general, were nominated commissioners under the great seal, vested merely with the insulting and ridiculous power of granting pardons and receiving submissions. An interesting and important motion made by the duke of Grafton, March 14, 1776, aiming to enlarge the powers of the commissioners, was rejected by a majority of 91 voices to 31. Lord Howe himself was believed extremely anxious to obtain this enlargement, and wasted much time in fruitless solicitation for this purpose; so that he did not arrive at Halifax till the month of June, some time after the departure of the general and his army to the southward. Proceeding on his voyage therefore, his lordship published a declaration, dated June 20, 1776, from on board the *Eagle*, off the coast of Massachusetts's Bay, announcing to the inhabitants of the colonies the powers entrusted to his majesty's commissioners, which declaration, enclosed in a circular letter, he transmitted to the several governors of the different provinces.

Far from wishing to prevent the free communication of this declaration, the congress passed on the 19th July the following resolution relative to it :

“ Resolved, that a copy of the circular letters and of the declaration they enclosed, from lord Howe to Mr. Franklin, Mr. Penn, Mr. Eden, lord Dunmore, Mr. Martin, and sir James Wright, late governors, sent to Ambeby by a flag, and forwarded to congress by general Washington, be published in the several gazettes, that the good people of these United States may be informed of what nature are the commissions, and what the terms, with the expectation of which the insidious court of Great Britain has endeavoured to amuse and disarm them ; and that the few who still remain suspended by a hope founded either in the justice or moderation of their late king, may now at length be convinced that the valour alone of their country is to save its liberties.”

At the same that lord Howe published his declaration, he wrote a private letter to the celebrated Dr. Franklin, then a member of congress, with whom in England he had formerly been on terms of intimacy, dated from on board the Eagle, June 20, as follows :

“ I cannot, my worthy friend, permit the letters and parcels which I have sent you in the state I received them, to be landed, without adding a word upon the subject of the injurious extremities in which our unhappy disputes have engaged us. You will learn the nature of my mission from the official dispatches which I have recommended to be forwarded by the same conveyance. Retaining all the earnestness I ever expressed to see our differences accommodated, I shall conceive, if I meet with the disposition in the colonies which I was once taught to expect, the most flattering hopes of proving serviceable in the objects of the king’s paternal solicitude, by promoting the establishment of lasting peace and union with the colonies. But if the deep rooted prejudices of Ame-

rica, and the necessity of preventing her trade from passing into foreign channels, must keep us still a divided people, I shall from every private as well as public motive, most heartily lament that it is not the moment wherein those great objects of my ambition are to be attained; and that I am to be longer deprived of an opportunity to assure you personally of the regard with which

I am, &c. &c.

“ P. S. I was disappointed of the opportunity I expected for sending this letter at the same time it was dated, and have been ever since prevented by calms and contrary winds from getting here to inform general Howe of the commission with which I have the satisfaction to be charged, and of his being joined in it.

“ *Dated off Sandy-hook, the 12th July, 1776.*”

In consequence of the repeated delays which from different causes lord Howe, so much to his own chagrin, experienced, he did not join his brother, the general, now encamped with his troops on Staten Island, till several days after the declaration of American independence, which bore date July 4, 1776. With powers so limited, nothing however could possibly have been effected by the commissioners, had they arrived at any earlier period. But since the congress had come to that decisive resolution, the offer of pardon was not merely frivolous, but absurd and preposterous.

The illustrious statesman-philosopher to whom the above letter was transmitted, returned an answer to it in terms worthy of his talents and character, as follows:

“ *Philadelphia, July 30, 1776.*

“ MY LORD,

“ I received safe the letters your lordship so kindly forwarded to me, and beg you to accept my thanks. The

official dispatches to which you refer me, contain nothing more than what we had seen by the act of parliament, viz. offers of pardon upon submission, which I was sorry to find, as it must give your lordship pain to be sent so far on so hopeless a business.

“ Directing pardons to be offered to the colonies, who are the very parties injured, expresses indeed that opinion of our ignorance, baseness, and insensibility, which your uninformed and proud nation has long been pleased to entertain of us; but it can have no other effect than that of increasing our resentment. It is impossible we should think of submitting to a government that has with the most wanton barbarity and cruelty burnt our defenceless towns in the midst of winter; excited the savages to massacre peaceful farmers, and our slaves to murder their masters, and is even now bringing foreign mercenaries to deluge our settlements with blood. These atrocious injuries have extinguished every spark of affection for that parent country we once held so dear. But were it possible for us to forget and forgive them, it is not possible for you, I mean the British nation, to forgive the people you have so heavily injured. You can never confide again in those as fellow-subjects, and permit them to enjoy equal freedom, to whom you know you have given such just causes of lasting enmity. And this must impel you, if we are again under your government, to endeavour the breaking our spirit by the severest tyranny, and obstructing by every means in your power our growing strength and prosperity.

“ But your lordship mentions “ the king’s paternal solicitude for promoting the establishment of lasting peace and union with the colonies.” If by peace, is here meant a peace to be entered into by distinct states now at war, and his majesty has given your lordship power to treat with us, of such peace I may venture to say, though without authority, that I think a treaty for that purpose not quite impracti-



cable before we enter into foreign alliances : but I am persuaded you have no such powers. Your nation, though, by punishing those American governors who have fomented the discord, rebuilding our burnt towns, and repairing as far as possible the mischiefs done us, she might recover a great share of our regard, and the greatest share of our growing commerce, with all the advantages of that additional strength to be derived from a friendship with us ; yet I know too well her abounding pride and deficient wisdom, to believe she will ever take such salutary measures. Her fondness for conquest as a warlike nation ; her lust of dominion as an ambitious one—and her thirst for a gainful monopoly as a commercial one—none of them legitimate causes of war—will all join to hide from her eyes every view of her true interest, and will continually goad her on in these ruinous distant expeditions, so destructive both of lives and of treasure, that they must prove as pernicious to her in the end, as the Croisades formerly were to most of the nations in Europe.

“ I have not the vanity, my lord, to think of intimidating, by thus predicting the effects of this war ; for I know it will in England have the fate of all my former predictions—not to be believed till the event shall verify it.”

“ Long did I endeavour with unfeigned and unwearied zeal, to preserve from breaking that fine and noble China vase, the British empire ; for I know, that being once broken, the separate parts could not retain even their shares of the strength and value that existed in the whole : and that a perfect reunion of these parts could scarce ever be hoped for. Your lordship may possibly remember the tears of joy that wet my cheek when, at your good sister’s in London, you once gave me expectations that a reconciliation might soon take place. I had the misfortune to find these expectations disappointed, and to be treated as the cause of the mischief. My consolation under that groundless and malevolent treatment was, that I retained the friend-



ship of many wise and good men in that country, and among the rest, some share in the regard of lord Howe.

“ The well founded esteem, and permit me to say, affection, which I shall always have for your lordship, make it painful for me to see you engaged in conducting a war, the great ground of which, as described in your letter, “ is the necessity of preventing the American trade from passing into foreign channels.” To me, it seems that neither the obtaining nor retaining any trade, how valuable soever, is an object for which men may justly spill each others blood: that the true and sure means of extending and securing commerce, are the goodness and cheapness of commodities; and that the profits of no trade can ever be equal to the expense of compelling it, and holding it by fleets and armies. I consider this war against us, therefore, as both unjust and unwise; and I am persuaded that cool and dispassionate posterity will condemn to infamy those who advised it: and that even success will not save from some degree of dishonour those who have voluntarily engaged to conduct it.

“ I know your great motive in coming hither, was the hope of being instrumental in a reconciliation; and believe that when you find that to be impossible on any terms given you to propose, you will relinquish so odious a command, and return to a more honourable private station.

“ With the greatest and most sincere respect, I have the honour to be, &c.”

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DECLARATION OF THE AMERICAN COMMISSIONERS, LORD  
AND GENERAL HOWE.

A. D. 1776.

Soon after the successes obtained on Long Island, and the capture of New York, the following declaration was published by the king's commissioners, lord Howe and

general Howe, in whom the civil and military powers were combined for the different purposes of pacification or coercion.

## DECLARATION.

Although the congress, whom the misguided Americans suffer to direct their opposition to a re-establishment of the constitutional government of these provinces, have disavowed every purpose of reconciliation not consonant with their extravagant and inadmissible claim of independence, the king's commissioners think fit to declare, that they are equally desirous to confer with his majesty's well-affected subjects, upon the means of restoring the public tranquillity, and establishing a permanent union with every colony, as a part of the British empire.

The king being most graciously pleased to direct a revision of such of his royal instructions, as may be construed to lay an improper restraint upon the freedom of legislation in any of his colonies, and to concur in the revival of all acts by which his subjects there may think themselves aggrieved; it is recommended to the inhabitants at large, to reflect seriously upon their present condition, and to judge for themselves, whether it be more consistent with their honour and happiness, to offer up their lives as a sacrifice to the unjust and precarious cause in which they are engaged, or to return to their allegiance, accept the blessings of peace, and be secured in a free enjoyment of their liberty and properties upon the true principles of the constitution.

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In this declaration may be discerned, some symptoms of the elation arising from recent victory: and the offer contained in it, both in respect to matter and manner, was calculated in present circumstances, rather to irritate than to conciliate the revolted colonies. Had the king of England indeed, in reply to the petition of congress, presented

by Mr. Penn, declared his readiness to modify and meliorate his instructions, and to concur in the revisal of those acts of the legislature, by which the colonies thought themselves aggrieved, and had such declaration been accompanied with a suspension of hostilities, and an amnesty for past offences, a foundation might undoubtedly have been laid for a solid and permanent reconciliation. But now, when not only their successive petitions had been disdainfully rejected, but war in its most barbarous mode had been actually levied upon them; when they had been denounced as REBELS; when their towns had been burnt, their property plundered, their commerce destroyed, and when an army of German mercenaries had been transported across the Atlantic, to massacre the inhabitants, and to desolate the country; when all these atrocious injuries had been sustained by the Americans, since the period in which their last petition had been voted in congress, and when, in consequence of this accumulation of cruelty and injustice, a resolution had been at length taken by the colonies to declare themselves free and independent states, what good effect could be expected from a vague and indefinite engagement on the part of the commissioners, that the monarch whose authority they had renounced, and whom they had not scrupled to stigmatize as a tyrant, would consent at some future time to the revision of his instructions, and of those acts of his government by which the Americans *thought* they were aggrieved? Such an offer would no doubt be rejected with as much contempt by *them*, as their repeated and humble petitions were formerly by *him*.

A second declaration was published by the commissioners on the 30th November ensuing, stating "that several bodies of armed men, in open contempt of his majesty's proffered clemency, still continued their opposition to the establishment of legal government and peace, and charging and commanding all such persons to disband

themselves, and return to their dwellings; requiring, moreover, all persons assembled together under the name of general or provincial congresses, conventions, &c. to desist from their treasonable actings and doings, and to relinquish all such usurped power and authority, and offering a free pardon to all who within sixty days of the date of this declaration shall return to their allegiance, and claim the benefit of it in the form prescribed."

Of this offer, many persons, timid or treacherous, or peculiarly exposed to the depredations of the enemy, took a temporary advantage; but no colony, or even city, was at any time pronounced by the commissioners to be restored to the king's peace, or within the protection of his government.

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PROTEST AGAINST THE ADDRESS, OCTOBER 31, 1776:

At the commencement of the session, October 31, 1776, the king informed the two houses of parliament in his opening speech, "that nothing could have afforded him so much satisfaction, as to have been able to inform them that the troubles which had so long distracted *his* colonies in North America, were at an end, and that his unhappy people, recovered from their delusion, had delivered themselves from the oppression of their leaders, and returned to their duty. But so daring and desperate," said his majesty, "is the spirit of those leaders, whose object has always been dominion and power, that they have now openly renounced all allegiance to the crown, and all political connexion with this country. They have rejected with circumstances of indignity and insult the means of conciliation held out to them under the authority of our commission, and have presumed to set up their REBELLIOUS CONFEDERACIES FOR INDEPENDENT STATES. If their TREASON be suffered to take root, much mischief must grow



from it to the safety of my loyal colonies, to the commerce of my kingdoms, and indeed, to the present system of all Europe. One great advantage, however, will be derived from the object of the rebels being openly avowed, and clearly understood: we shall have unanimity at home, founded in the general conviction of the justice and necessity of our measures."

His majesty proceeded to mention, that *by the blessing of Divine Providence* on the good conduct and valour of his officers and forces, Canada was recovered, and that the success obtained in the province of New York had been so important, as to give the strongest hopes of the most decisive good consequences; but that notwithstanding this fair prospect, we must at all events prepare for another campaign.

His majesty concluded his speech with the following declaration:—"In this arduous contest I can have no other object, but to promote the true interests of all my subjects. No people ever enjoyed more happiness, or lived under a milder government than those now revolted provinces. The improvements in every art of which they boast declare it; their numbers, their wealth, their strength by sea and land, which they think sufficient to enable them to make head against the whole power of the mother country, are irrefragable proofs of it. My desire is to restore to them the blessings of law and liberty, equally enjoyed by every British subject, which they have fatally and desperately exchanged for all the calamities of war, and the arbitrary tyranny of their chiefs."

On the accustomed motion for an address to the king, a very animated debate arose in both houses; a precisely similar amendment, admirably drawn, being brought forward by lord John Cavendish in the one, and by the marquis of Rockingham, seconded by the duke of Manchester, in the other. The division in the house of commons was 87 to 242, and in the lords, 26 to 91. But the re-



jected amendment was recorded entire on the journals of the house, and signed by 14 peers in the form of a protest, as follows :

*Dissentient,*

*Die Jovis, 31st Oct. 1776.*

For the reasons contained in the amendment proposed and rejected, viz. “ To assure his majesty that, animated with the most earnest and sincere zeal for his true interest, and the real glory of his reign, we behold with inexpressible concern, the minds of a very large, and lately loyal and affectionate part of his people, entirely alienated from his government. Nor can we conceive that such an event as the disaffection and revolt of a whole people, could have taken place without some considerable errors in the conduct observed towards them.”

These erroneous measures, we conceive, are to be imputed to a want of sufficient information being laid before parliament, and too large a degree of confidence being reposed in those ministers, who from their duty were obliged, and from their official situation were best enabled, to know the temper and disposition of his majesty’s American subjects, and were therefore presumed most capable of pointing out such measures as might produce the most salutary effect. Hence the schemes which were formed for the reduction and chastisement of a supposed inconsiderable party of factious men, have driven thirteen large provinces to despair. Every act which has been proposed as a means of procuring peace and submission, has become a new cause of war and revolt : and we now find ourselves almost inextricably involved in a bloody and expensive civil war, which besides exhausting at present the strength of his majesty’s dominions, exposing our allies to the designs of their and our enemies, and leaving this kingdom in a most perilous situation, threatens in its issue the most deplorable calamities to the whole British race.

We cannot avoid lamenting, that in consequence of the

credit afforded to the representations of ministers, no hearing has been given to the reiterated complaints and petitions of the colonies: neither has any ground been laid for removing the original cause of these unhappy differences, which took their rise from questions relative to parliamentary proceedings, and can be settled only by parliamentary authority. By this fatal omission, the commissioners nominated for the apparent purpose of making peace, were furnished with no legal powers, but those of giving or withholding pardons at their pleasure; and of relaxing the severities of a single penal act of parliament \*, leaving the whole foundation of this unhappy controversy as it stood at the beginning.

To represent to his majesty, that in addition to this neglect, when in the beginning of the last session, his majesty in his gracious speech to both houses of parliament, had declared his resolution of sending out commissioners for the purposes therein expressed, as speedily as possible; no such commissioners were sent until nearly seven months afterwards; and until the nation was alarmed by the evacuation of the only town then held for his majesty in the thirteen united colonies. By this delay, acts of the most critical nature, the effect of which must as much depend upon the power of immediately relaxing them on submission as in enforcing them upon disobedience, had only an operation to inflame and exasperate. But if any colony, town, or place, had been induced to submit by the operation of the terrors of those acts, there were none in the place of power sufficient to restore the people so submitting to the common right of subjection. The inhabitants of the colonies, apprized that they were put out of the protection of government, and seeing no means provided for their entering into it, were furnished with reasons but too colourable for breaking off their dependency on the crown of this kingdom.

\* Prohibitory act.

To assure his majesty, that removing our confidence from those who in so many instances have grossly abused it, we shall endeavour to restore to parliament the confidence of all his people.

To this end it may be advisable to make a more minute inquiry into the grievances of the colonies, as well as into the conduct of ministers with regard to them. We may think it proper, particularly to inquire how it has happened, that the commerce of this kingdom has been left exposed to the reprisals of the colonies, at the very time that their seamen and fishermen, being indiscriminately prohibited from the peaceable exercise of their occupations, and declared open enemies, must be expected with a certain assurance to betake themselves to plunder, and to wreak their revenge on the commerce of Great Britain.

That we understand, that amidst the disasters and disgraces which have attended on his majesty's arms in many parts of America, an advantage has been gained by his majesty's British and foreign mercenary forces in the province of New York. That if a wise, moderate, and prudent use be made of this advantage, it is not improbable that happy effects may result from that use. And we assure his majesty, that nothing shall be wanting on our part, to enable his majesty to take full advantage of any dispositions to reconciliation which may be the consequence of the miseries of war, by laying down on our part real permanent ground of connexion between Great Britain and the colonies, on principles of liberty, and terms of mutual advantage.

That whilst we lament this effusion of English blood, which we hope has not been greater, or other than necessity required; and honour justified, we should most heartily congratulate his majesty on any event leading to the great desirable end of settling a peace which might promise to last, by the restoration of the ancient affection which has happily subsisted between this kingdom and its colonies.

Any other would necessarily require, even in case of a total conquest, an army to maintain, ruinous to the finances and incompatible with the freedom of his majesty's people. We should look with the utmost shame and horror on any events of what nature soever, that should tend to break the spirit of any large part of the British nation, to bow them to an abject unconditional submission to any power whatsoever; to annihilate their liberties, and to subdue them to servile principles and passive habits, by the mere force of mercenary arms. Besides, amidst the excesses and abuses which have happened, we must respect the spirit and principles operating in these commotions: our wish is to regulate, not to destroy them. For though differing in some circumstances, those very principles evidently bear so exact an analogy with those which support the most valuable part of our own constitution, that it is impossible, with any appearance of justice, to think of wholly extirpating them by the sword in any part of his majesty's dominions, without admitting consequences, and establishing precedents, the most dangerous to the liberties of this kingdom.

Richmond,  
Devonshire,  
Portland,  
Manchester,  
Rockingham,  
Scarborough,  
King,

Craven,  
Fitzwilliam,  
Abingdon,  
De Ferrars,  
Effingham,  
Abergavenny,  
Ponsonby.

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MEMORIAL PRESENTED BY SIR JOSEPH YORKE,  
TO THE STATES GENERAL,  
ON THE 21st FEBRUARY, 1777.

SINCE the commencement of the unnatural rebellion, which has broken out in the English colonies against the



legal constitution of the mother country, the undersigned ambassador extraordinary and plenipotentiary of the king of Great Britain, has had frequent occasions to address himself to your high mightinesses, in the name of his master, to engage them, by all motives of national interest, of good neighbourhood, of friendship, and finally, of treaties, to put a stop to the clandestine commerce which is carried on between their subjects and the rebels. If the measures which your high mightinesses have thought proper to take, had been as efficacious as your assurances have been amicable, the undersigned would not now have been under the disagreeable necessity of bringing to the cognizance of your high mightinesses, facts of the most serious nature.

The king hath hitherto borne with unexampled patience, the irregular conduct of your subjects, in their interested commerce at St. Eustatia, as also in America. His majesty has always flattered himself, that in giving time to your high mightinesses, to examine to the bottom this conduct, so irregular, and so insufferable, they would have taken measures necessary to repress the abuse, to restrain their subjects within bounds, and to make them respect the rights and friendship of Great Britain.

The complaints which I have orders to make to their high mightinesses, are founded upon authentic documents, annexed to this memorial, where their high mightinesses will see with astonishment, and I doubt not at the same time with displeasure, that their new governor, M. Van Graaf, after having permitted an illicit commerce at St. Eustatia, hath passed his forgetfulness of his duty, to the point of conniving at the Americans in their hostile equipments, and the permitting the seizure of an English vessel by an American pirate, within cannon-shot of that island: and in aggravation to the affront given to the English nation, and to all the powers of Europe, to return from the fortress of his government, the salute of a rebel



flag. In return to the amicable representations made by the president of the neighbouring island of St. Christopher on these facts of notoriety, M. Van Graaf has answered in a manner the most vague and unsatisfactory, refusing to enter at all into the subject, or into an explanation of the matter with a member of his majesty's council of St. Christopher's, dispatched by the president for that purpose to St. Eustatia.

After exhibiting the documents annexed, nothing remains with me but to add, that the king, who had read them not with less surprize than indignation, hath ordered me expressly to demand of your high mightinesses, a formal disavowal of the salute by fort Orange at St. Eustatia, to the rebel ship; the dismissal and immediate recall of governor Van Graaf; and to declare further on the part of his majesty, that until that satisfaction is given, they are not to expect that his majesty will suffer himself to be amused by mere assurances, or that he will delay one instant to take such measures as he shall think due to the interests and dignity of his crown.

*Given at the Hague; February 21, 1777.*

Signed,

JOSEPH YORKE.

MEMORIAL DELIVERED BY ORDER OF THE STATES  
GENERAL, TO THE KING OF GREAT BRITAIN,

IN ANSWER TO THE ABOVE MEMORIAL, BY THE AMBASSADOR,  
COUNT DE WELDEREN, MARCH 26, 1777.

SIRE,

It is with the most profound respect, that the undersigned envoy extraordinary and plenipotentiary of their high mightinesses, in consequence of the orders which he hath received, hath the honour to represent to your majesty, that the memorial which your ambassador hath pre-

sented to their high mightinesses on the 21st of last month, has touched them very sensibly : that they find themselves obliged to make complaint of the reproaches which are contained in it ; as if their high mightinesses were to be suspected of a will and intention of amusing your majesty by amicable assurances which they have falsified by their acts : also of the menacing tone which reigns in that memorial, and appears to their high mightinesses too highly strained beyond that which is the accorded and accustomed manner, and that ought to take place between two sovereign and independent powers, and especially between two neighbouring powers, which have been of so many years continuance united by the ties of good harmony and mutual friendship.

Their high mightinesses trust that on all occasions, and particularly in respect to the unfortunate troubles of your majesty's colonies in America, they have held a conduct towards your majesty, which has been expected from a good neighbour and a friendly and affectionate power.

Their high mightinesses, sire, hold your majesty's friendship in the highest estimation, and wish to do every thing in their power, as far as the honour and dignity of their state will permit them to go, to cultivate it still more and more : but they cannot at the same time so far restrain themselves, as to disguise the very poignant sensation with which that memorial hath impressed them.

It is alone from the motive of demonstrating to your majesty every possible regard, and to prove that their high mightinesses will not neglect any thing which may serve to investigate properly the truth of the facts from whence the complaints made to them seem to have arisen, that they have resolved to institute an inquiry in a manner the most summary, and cut off all trainings of delay.

To this end their high mightinesses, passing by the ordinary and usual form in like cases, requiring a report

in writing from their officers and others employed in their colonies, have already dispatched their orders to the commandant of St. Eustatia, to render himself within the republic without delay, and as soon as possible, to give the necessary information of all that has passed within the island of St. Eustatia, and that which hath come to his knowledge, relative to the American colonies and their vessels during the period of his command, and to lay his conduct touching that matter before the eyes of their high mightinesses.

The undersigned is charged by his orders to bring the information of this resolution to your majesty; as also that their high mightinesses make no difficulty of disavowing in the the most express manner, every act or mark of honour which may have been given by their officers, or by any of their servants, to the vessels of your majesty's colonies of North America, or that they may give hereafter, so far as those acts or marks of honour may be of such a nature, as that any can conclude from them, that it is intended thereby, in the least degree, to recognize the independence of those colonies.

The undersigned is also further charged to inform your majesty, that their high mightinesses have in consequence given their orders to their governors and councils in the West Indies, and have enjoined them afresh in the strongest terms, to observe exactly the placards and orders against the exportation of military stores to the American colonies of your majesty, and to see them executed most rigorously.

*London, March 26th, 1777,*

Signed,

WELDEREN.

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The language of the memorial presented by sir Joseph Yorke, respecting the conduct of M. Van Graaf, may vie in pride and presumption with that of any public docu-

ment promulgated by Louis XIV. in the zenith of his power. It was framed in the first emotions of elation, occasioned by the successes of the campaign of 1776. The general effect produced in Holland by this “provoking, arrogant, and indecent memorial,” as it was justly styled by lord Camden, so opposite, as that nobleman observed, to the spirit and tenor of the representations of the same ambassador during the prosperous administration of lord Chatham,” was to render the name of England odious through the seven provinces.

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CORRESPONDENCE BETWEEN THE EMPEROR  
JOSEPH II. AND THE KING OF PRUSSIA,

A. D. 1778.

ON the subject of the Bavarian succession, the following letters, strongly characteristic of the several writers, passed between the emperor Joseph II. and Frederic II. king of Prussia.

*Olmütz, Avril 13, 1778.*

MONSIEUR MON FRERE,

Si j'ai différé jusqu'à ce moment-ci de remplir une promesse mutuellement contractée entre nous, tant à Neisse qu'à Neustadt de nous écrire directement ; c'est, que préparé à tous les évènements je voulois attendre que je fusse moi-même éloigné de la capitale, et par conséquent de tout ce qui peut ressentir finesse and politique, pour communiquer à votre majesté mes idées que je crois plus analogues à nos vrais intérêts, que toute brouillerie que nous pourrions avoir ensemble. Je les ai rédigées dans le projet de convention ci-joint, que j'ai l'honneur de lui envoyer, Je n'y ajoute aucune réflexion ; bien certain qu'il ne lui en échappera aucune dont l'objet peut être susceptible. En



même temps je fais charger Cobenzel des pleins pouvoirs nécessaires pour que si votre majesté adopte ce projet, l'on puisse d'abord procéder à la signature : et si elle désiroit quelque changement ou explication sur des accessoires, je la prie de me les faire connoître par sa reponse directement. Elle peut compter d'avance que je ne m'y refuserai pas si je le puis ; ainsi que naturellement tout sera dit si cela ne lui convenoit en façon quelconque.

Je serois vraiment charmé de raffermir par là, de plus en plus une bonne intelligence qui seule doit et peut faire le bonheur de nos états, qui avoit déjà si heureusement et avantageusement commencé ; qui de ma part étoit d'abord fondée sur la haute estime et considération, que le génie et les talens supérieurs de votre majesté m'avoient su inspirer, qu'une connoissance personnelle avoit augmentée, et que je souhaite vraiment de perpétuer par des assurances et témoignages réitérés d'une amitié sincère, avec laquelle je serai toujours, de monsieur mon frere et cousin,

Le très affiectionné frere et cousin,

JOSEPH.

The project referred to in this imperial epistle, was such as implied great weakness either in the party who proposed, or the party who accepted it. Concisely and substantially it imported :

I. That the king of Prussia should acknowledge the validity of the convention signed January 3, 1778, between the emperor and the elector Palatine, heir and successor of the late elector of Bavaria.

II. That this convention might admit of a subsequent modification.

III. That his Imperial majesty would *by anticipation*, allow the validity of the incorporation of the country of Aispach and Bareith, conformably to the primogeniture of the electoral house of Brandenburg ; and



IV. His Imperial majesty engages to leave his Prussian majesty at full liberty to make such exchange of territory as shall be most commodious to himself, in like manner as his Imperial majesty shall be at liberty to act in relation to Bavaria.

To this extraordinary proposal, his Prussian majesty returned the following spirited and decisive answer.

*Schænwalde, Avril 14, 1778.*

MONSIEUR MON FRERE,

J'ai reçu avec toute la satisfaction possible, la lettre que votre majesté Impériale à eu la bonté de m'écrire. Je n'ai ni ministre ni scribe avec moi ; ainsi votre majesté Impériale voudra bien se contenter de la réponse d'un vieux soldat, qui lui écrit avec probité, et avec franchise sur un des sujets les plus importans que la politique ais fournis depuis long-temps. Personne plus que moi ne désire de maintenir la paix, et la bonne harmonie entre les puissances de l'Europe : mais il y a des bornes à tout, et il se trouve des cas si épineux que la bonne volonté ne suffit pas seule, pour maintenir les choses dans le repos et la tranquillité. Que votre majesté me permette de lui exposer nettement l'état de la question de nos affaires actuelles. Il s'agit de savoir, si un empereur peut disposer selon sa volonté des fiefs de l'empire ? Si l'on prend l'affirmative, tous ces fiefs deviennent des timariots qui ne sont qu'à vie, et dont le sultan dispose après la mort du possesseur. Or c'est ce qui est contraire aux lois, aux coutumes, et aux usages de l'empire Romain. Aucun prince n'y donnera les mains ; chacun provoquera au droit féodal, qui assure ces possessions à ses descendans, et personne ne consentira à cimenter lui-même le pouvoir d'un despote, qui tôt ou tard le depouillera lui et ses enfans de ses possessions immémoriales. Voilà donc ce qui a fait crier tout le corps Germaniques contre la façon violente dont la Bavière vient d'être

envahie. Moi comme membre de l'empire et comme ayant rappelé la paix de Westphalie par le traité de Hubertsbourg, je me trouve directement engagé à soutenir les immunités, les libertés, et les droits du corps Germanique, les capitulations impériales, par lesquelles on limite le pouvoir du chef de l'empire, afin de prévenir les abus qu'il pourroit faire de sa pré-eminence.

Voilà, sire, au vrai, l'état des choses. Mon intérêt personnel n'y est pour rien ; mais je suis persuadé que votre majesté me regarderoit elle-même comme un homme lâche et indigne de son estime, si je sacrifiois basement les droits, immunités, et privilèges que les électeurs et moi avons reçus de nos ancêtres. Je continue à lui parler avec la même franchise. J'aime et j'honore sa personne. Il me sera certainement dur de combattre contre un prince doué d'excellentes qualités, et que j'estime personnellement. Voici donc selon mes foibles lumières des idées que je sou mets aux vues supérieures de votre majesté Imperiale. Je confesse que la Bavière selon le droit de convenance peut convenir à la maison Impériale. Mais comme d'ailleurs tout autre droit lui est contraire dans cette possession, ne pourroit-on pas, par des équivalens satisfaire le duc de Deux-ponts ? Ne pourroit-on pas trouver de quoi indemniser l'électeur de Saxe sur les alleux de la succession de Bavière ? Les Saxons font monter leurs prétentions à 37 millions de florins : mais ils en rabattroient bien quelque chose en faveur de la paix. C'est, sire, à de telles propositions, en n'oubliant pas le duc de Mecklenbourg, que votre majesté Impériale me verroit concourir avec joie ; parcequ'elles seroient conformes à ce que demandent mes devoirs et la place que j'occupe. J'assure à votre majesté que je ne m'expliquerois pas avec mon frere avec plus de franchise que j'ai l'honneur de lui parler. Je la prie de faire ses réflexions sur tout ce que je prends la liberté de lui représenter ; car voilà le fait dont il s'agit. La succession d'Anspach y est tout-à-fait étrangère. Nos droits

sont si légitimes que personne ne peut nous les rendre litigieux. C'est ce Van Swieten qui m'en parla il y a je crois quatre à six ans, et qui me dit que la cour Impériale seroit bien aise s'il y avoit quelque troc à proposer, parceque j'ôterois à sa cour la supériorité de voix dans le cercle de Franconie, et qu'on ne voudroit pas de mon voisinage près d'Egra en Bohême. Je lui répondis qu'on pouvoit se tranquilliser encore, parceque le margrave d'Anspach se portoit bien, et qu'il y avoit tout à parier qu'il me survivroit. Voilà tout ce qui s'est passé sur cette matière, et votre majesté Impériale peut être persuadée que je lui dis la vérité. Quant au dernier mémoire que j'ai reçu du prince Kaunitz, le dit prince paroît avoir eu de l'humeur en le dressant. La réponse ne pourra arriver ici que dans huit jours. J'oppose mon flegme à ses vivacités, et j'attends surtout ce que votre majesté Impériale aura la bonté de décider sur les sincères représentations que je prends la liberté de lui faire, étant avec la plus haute estime, et avec la plus haute consideration,

Monsieur mon frere,  
de vôtre majesté Impériale,  
le bon frere et cousin,

FREDERIC.

S'il m'est arrivé de manquer au cérémonial, j'en fais mes excuses a votre majeste Impériale; mais foi d'honneur, a 40 milles à la ronde, il n'y a personne qui puisse m'instruire.

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This correspondence was continued in a series of letters, published at the end of the 4th vol. of the king of Prussia's History of his own Times. They are too numerous, and are too slightly connected with the history of Great Britain, to entitle them to a place in this collection. In general it may be remarked, that the letters of the emperor are

trifling, weak, and vain, while those of the king, conformably to the high reputation he possessed, are clear, firm, and energetic, though couched in terms of the most guarded respect. It is only necessary to add, that the contest terminated in the cession of the district of Burg-hausen, to the house of Austria, and the relinquishment of the remaining part of the Duchy to the elector Palatine.

ADDRESS OF THE ROMAN CATHOLIC PEERS AND  
COMMONERS TO THE KING,

MAY 1st, 1778.

MOST GRACIOUS SOVEREIGN,

WE, your majesty's dutiful and loyal subjects, the roman catholic peers and commoners of your kingdom of Great Britain, most humbly hope, that it cannot be offensive to the clemency of your majesty's nature, or to the maxims of your just and wise government, that any part of your subjects should approach your royal presence, to assure your majesty of the respectful affection which they bear to your person, and their true attachment to the civil constitution of their country : which having been perpetuated through all changes of religious opinions and establishments, has been at length perfected by that revolution, which has placed your majesty's illustrious house on the throne of these kingdoms, and inseparably united your title to the crown with the laws and liberties of your people.

Our exclusion from many of the benefits of that constitution has not diminished our reverence to it. We behold with satisfaction the felicity of our fellow subjects : and we partake of the general prosperity which results from an institution so full of wisdom. We have patiently submitted to such restrictions and discouragements as the



legislature thought expedient. We have thankfully received such relaxations of the rigour of the laws, as the mildness of an enlightened age, and the benignity of your majesty's government have gradually produced; and we submissively wait, without presuming to suggest either time or measure, for such other indulgences as those happy causes cannot fail in their own season to effect.

We beg leave to assure your majesty, that our dissent from the legal establishment in matters of religion is purely conscientious; that we hold no opinions adverse to your majesty's government, or repugnant to the duty of good citizens. And we trust that this has been shewn more decisively by our irreproachable conduct for many years past, under circumstances of public discountenance and displeasure, than it can be manifested by any declaration whatever.

In a time of public danger, when your majesty's subjects can have but one interest, and ought to have but one wish and one sentiment, we humbly hope it will not be deemed improper to assure your majesty of our unreserved affection to your government, of our unalterable attachment to the cause and welfare of this our common country, and our utter detestation of the designs and views of any foreign power against the dignity of your majesty's crown, the safety and tranquillity of your majesty's subjects.

The delicacy of our situation is such, that we do not presume to point out the particular means by which we may be allowed to testify our zeal to your majesty, and our wishes to serve our country; but we entreat leave faithfully to assure your majesty, that we shall be perfectly ready on every occasion to give such proofs of fidelity, and the purity of our intentions, as your majesty's wisdom, and the sense of the nation, shall at any time deem expedient.

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The above temperate and judicious, yet forcible address,

was signed by the duke of Norfolk, the lords Surry and Shrewsbury; Linton, for the Scotch; Stourton, Petre, Arundel, Dormer, Teynham, Clifford; and one hundred and sixty-three commoners.

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## MANIFESTO

PROMULGATED BY THE AMERICAN COMMISSIONERS  
APPOINTED BY THE KING.

*A. D. 1778.*

HAVING amply and repeatedly made known to the congress, and having also proclaimed to the inhabitants of North America in general, the benevolent overtures of Great Britain towards a re-union and coalition with her colonies, we do not think it consistent either with the duty we owe to our country, or with a just regard to the characters we bear, to persist in holding out offers, which in our estimation required only to be known, to be most gratefully accepted; and we have accordingly, excepting only the commander-in-chief, who will be detained by military duties, resolved to return to England a few weeks after the date of this manifesto and proclamation.

Previous, however, to this decisive step, we are led by a just anxiety for the great objects of our mission, to enlarge on some points which may not have been sufficiently understood; to recapitulate to our fellow-subjects the blessings which we are empowered to confer, and to warn them of the continued evils to which they are at present blindly and obstinately exposing themselves.

To the members of the congress then we again declare, that we are ready to concur in all satisfactory and just arrangements for securing to them and their respective constituents the re-establishment of peace, with the exemption from any imposition of taxes by the parliament of Great Britain, and the irrevocable enjoyment of every

privilege consistent with that union of interests and force on which our mutual prosperity and the safety of our common religion and liberties depend. We again assert, that the members of the congress were not authorized by their constituents either to reject our offers without the previous consideration and consent of the several assemblies and conventions, their constituents, or to refer us to pretended foreign treaties, which they know were delusively framed in the first instance, and which have never yet been ratified by the people of this continent. And we once more remind the members of this congress, that they are responsible to their countrymen, to the world, and to God, for the continuance of this war, and for all the misery with which it must be attended.

To the general assemblies and conventions of the different colonies, plantations and provinces above-mentioned, we now separately make the offers which we originally transmitted to the congress; and we hereby call upon and urge them to meet expressly for the purpose of considering whether every motive, political as well as moral, should not decide their resolution to embrace the occasion of cementing a free and firm coalition with Great Britain. It has not been, nor is it our wish, to seek the objects which we are commissioned to pursue, by fomenting popular divisions and partial cabals. We think such conduct would be ill-suited to the generous nature of the offers made, and unbecoming the dignity of the king and the state which make them. But it is both our wish and our duty, to encourage and support any men, or bodies of men, in their return of loyalty to our sovereign and affection to our fellow-subjects.

To all others, free inhabitants of this once happy empire, we also address ourselves: such of them as are actually in arms, of whatsoever rank or description, will do well to recollect that the grievances, whether real or supposed, which led them into this rebellion, have been

for ever removed, and that the just occasion is arrived for their returning to the class of peaceful citizens. But if the honours of a military life are become their object, let them seek those honours under the banners of their rightful sovereign, and in fighting the battles of the united British empire against our late mutual and natural enemies.

To those whose profession it is to exercise the functions of religion on this continent, it cannot surely be unknown, that the sovereign power with which the congress is endeavouring to connect them, has ever been averse to toleration, and inveterately opposed to the interest and freedom of the places of worship which they serve; and that Great Britain, from whom they are for the present separated, must; both from the principles of her constitution and of protestantism, be at all times the best guardian of religious liberty, and most disposed to promote and extend it.

To all those who can estimate the blessings of peace, and its influence over agriculture, arts, and commerce; who can feel a due anxiety for the education and establishment of their children, or who can place a just value on domestic security, we think it sufficient to observe, that they are made by their leaders to continue involved in all the calamities of war, without having either a just object to pursue, or a subsisting grievance which may not instantly be redressed.

But if there be any persons who, divested of mistaken resentments, and uninfluenced by selfish interests, really think that it is for the benefit of the colonies to separate themselves from Great Britain, and that so separated they will find a constitution more mild, more free, and better calculated for their prosperity, than that which they heretofore enjoyed, and which we are empowered and disposed to renew and improve, with such persons we will not dispute a position which seems to be sufficiently contradicted by



the experience they have had. But we think it right to leave them fully aware of the change which the maintaining of such a position must make in the whole nature and future conduct of this war; more especially, when to this position is added the *pretended* alliance with the court of France. The policy as well as the benevolence of Great Britain, have thus far checked the extremes of war, when they tended to distress a people still considered as our fellow-subjects, and to desolate a country shortly to become again a source of mutual advantage; but when that country professes the unnatural design, not only of estranging herself from us, but of mortgaging herself and her resources to our enemies, the whole contest is changed; and the question is, how far Great Britain may, by every means in her power, destroy or render useless a connexion contrived for her ruin, and for the aggrandizement of France? Under such circumstances, the laws of self-preservation must direct the conduct of Great Britain, and if the British colonies are to become an accession to France, will direct her to render that accession of as little avail as possible to her enemy.

If, however, there are any who think, that notwithstanding these reasonings, the independence of the colonies will, in the result, be acknowledged by Great Britain, to them we answer without reserve, that we neither possess nor expect powers for that purpose; and that if Great Britain could ever have sunk so low as to adopt such a measure, we should not have thought ourselves compelled to be the instruments in making a concession which would in our opinion be calamitous to the colonies for whom it was made, and disgraceful as well as calamitous to the country from whom it is required. And we think proper to declare, that in this spirit and sentiment we have regularly written from the continent to Great Britain.

It will now become the colonies in general to call to mind their own solemn appeals to heaven in the beginning

of this contest, that they took arms only for the redress of grievances, and that it would be their wish as well as their interest, to remain for ever connected with Great Britain. We again ask them whether all their grievances, real or supposed, have not been fully redressed? and we insist, that the offers we have made leave nothing to be wished in point either of immediate liberty, or permanent security. If those offers are now rejected, we withdraw from the exercise of a commission with which we have in vain been honoured: the same liberality will no longer be due from Great Britain, nor can it either in justice or policy be expected from her.

In fine, and for the fuller manifestation as well of the disposition we bear, as of the gracious and generous purposes of the commission under which we act, we hereby declare, that whereas his majesty, in pursuance of an act made and passed in the last session of parliament, entitled “an act to enable his majesty to appoint commissioners with sufficient powers, to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations and provinces in North America,” having been pleased to authorize and empower us to grant a pardon or pardons to any number or description of persons within the colonies, plantations, and provinces of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on the Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia: And whereas the good effects of the said authorities and powers towards the people at large would have long since taken place, if a due use had been made of our first communications and overtures, and have thus far been frustrated only by the precipitate resolution of the members of the congress not to treat with us, and by their declining to consult with their consti-

tnants; we now, in making our appeal to those constituents, and to the free inhabitants of this continent in general, have determined to give them what in our opinion should have been the first object of those who appeared to have taken the management of their interests, and adopt this mode of carrying the said authorities and powers into execution. We accordingly hereby grant and proclaim a pardon or pardons, of all and all manner of treasons or misprisions of treasons, by any person or persons, or by any number or description of persons within the said colonies, plantations, or provinces, counselled, commanded, acted, done, on or before the date of this manifesto and proclamation.

And we further declare and proclaim, that if any person or persons, or any number or description of persons within the said colonies, plantations, or provinces, now actually serving either in a military or civil capacity in this rebellion, shall at any time during the continuance of this manifesto and proclamation, withdraw himself or themselves from such civil or military service, and shall continue thenceforth peaceably as a good and faithful subject or subjects to his majesty to demean himself or themselves, such person or persons, or such number and description of persons, shall become, and be fully entitled to, and hereby obtain all the benefits of the pardon or pardons hereby granted, excepting only from the said pardon or pardons every person, and every number or description of persons, who, after the date of this manifesto and proclamation, shall, under the pretext of authority as judges, jurymen, ministers, or officers of civil justice, be instrumental in executing and putting to death any of his majesty's subjects within the said colonies, plantations and provinces.

And we think proper further to declare, that nothing herein contained is meant, or shall be construed to set at

liberty, any person or persons now being prisoner or prisoners, or who during the continuance of this rebellion shall become a prisoner or prisoners.

And we offer to the colonies, at large or separately, a general or separate peace, with the revival of their ancient government, secured against any future infringements, and protected for ever from taxation by Great Britain. And with respect to such further regulations, whether civil, military, or commercial, as they may wish to be framed and established, we promise all the concurrence and assistance that his majesty's commission authorizes and enables us to give.

And we further declare, that this manifesto and proclamation shall continue and be in force forty days from the date hereof, that is to say, from the third day of October to the eleventh day of November, both inclusive.

And in order that the whole contents of this manifesto and proclamation may be more fully known, we shall direct copies thereof, both in the English and German language, to be transmitted by flags of truce to the congress, the general assemblies, or conventions of the colonies, plantations, and provinces, and to several persons both in civil and military capacities within the said colonies, plantations, and provinces. And for the further security in times to come, of the several persons, or numbers or descriptions of persons, who are, or may be, the objects of this manifesto and proclamation, we have set our hands and seals to thirteen copies thereof, and have transmitted the same to the thirteen colonies, plantations, and provinces, above-mentioned; and we are willing to hope, that the whole of this manifesto and proclamation will be fairly and freely published and circulated for the immediate, general, and most serious consideration and benefit of all his majesty's subjects on this continent. And we earnestly exhort all persons who by this instrument forthwith receive the benefit of the king's pardon, at the same time that they entertain a



becoming sense of those lenient and affectionate measures whereby they are now freed from many grievous charges which might have risen in judgment, or have been brought in question against them, to make a wise improvement of the situation in which this manifesto and proclamation places them, and not only to recollect, that a perseverance in the present rebellion, or any adherence to the treasonable connexion attempted to be framed with a foreign power, will, after the present grace extended, be considered as crimes of the most aggravated kind; but to vie with each other in eager and cordial endeavours to secure their own peace, and promote and establish the prosperity of their countrymen, and the general weal of the empire.

And pursuant to his majesty's commission, we hereby require all officers, civil and military, and all others his majesty's loving subjects whatsoever, to be aiding and assisting unto us in the execution of this our manifesto and proclamation, and of all the matters herein contained.

Given at New York, this third day of October, 1778.

CARLISLE,  
H. CLINTON,  
WM. EDEN.

This tedious manifesto—no less contemptible than detestable—exhibits upon the very face of it, the indelible stamp of weakness and wickedness, of insolence and meanness. The weakness of it appears in the foolish and extravagant supposition pervading the whole, that the Americans could possibly, by such inducements as this paper holds out, be prevailed upon to rescind that declaration of independence to which they had nobly and resolutely adhered in circumstances so much less favourable to its final establishment:—its wickedness, in the menaces it contains of converting the country into a scene of universal desolation, in case the terms proposed by Great Britain

were not complied with :—its insolence, in the modes of expression used in relation to the congress ; “ their pretended foreign treaties ”—“ their treasonable connexions with foreign powers, ” &c.—its meanness, in offering terms of reconciliation, actuated merely by motives of fear, so far beyond what the colonies themselves had at any time asked, or the British government had ever shewn the least disposition to concede, from sentiments of justice, policy, or benevolence. Of the pride and the folly of the English court at this period, a more striking representation could not be drawn by the pen of satire ; and in this consists the real merit of the commissioners’ manifesto.



PROTEST OF THE LORDS,  
AGAINST THE MANIFESTO OF THE THREE AMERICAN  
COMMISSIONERS.

A. D. 1778.

*Die Luna, Dec. 7, 1778.*

*Moved,*

THAT an humble address be presented to his majesty, to express to his majesty the displeasure of this house at a certain manifesto and proclamation, dated the third day of October, 1778, and published in America under the hands and seals of the earl of Carlisle, sir Henry Clinton, knight of the bath, and Wm. Eden, Esq. and countersigned by Adam Ferguson, Esq. secretary to the commission ; the said manifesto containing a declaration of the following tenor :

“ If there be any persons who, divested of mistaken resentments, and uninfluenced by selfish interests, really think it is for the benefit of the colonies to separate themselves from Great Britain, and that so separated they will

find a constitution more mild, more free, and better calculated for their prosperity than that which they heretofore enjoyed, and which we are empowered and disposed to renew and improve; with such persons we will not dispute a position which seems to be sufficiently contradicted by the experience they have had. But we think it right to leave them fully aware of the change which the maintaining such a position must make in the whole nature and future conduct of the war, more especially, when to this position is added the *pretended* alliance with the court of France. The policy as well as the benevolence of Great Britain have thus far checked the extremes of war, when they tended to distress a people still considered as our fellow-subjects, and to desolate a country shortly to become again a source of mutual advantage; but when that country professes the unnatural design, not only of estranging herself from us, but of mortgaging herself and her resources to our enemies, the whole contest is changed; and the question is, how far Great Britain may, by every means in her power, destroy or render useless a connexion contrived for her ruin, and for the aggrandizement of France? Under such circumstances, the laws of self-preservation must direct the conduct of Great Britain, and if the British colonies are to become an accession to France, will direct her to render that accession of as little avail as possible to her enemies."

To acquaint his majesty with the sense of this house, that the said commissioners had no authority whatsoever, under the act of parliament in virtue of which they were appointed by his majesty, to make the said declaration, or to make any declaration to the same or to the like purport: nor can this house be easily brought to believe, that the said commissioners derived any such authority from his majesty's instructions.

Humbly to beseech his majesty, that so much of the said manifesto as contains the said declaration, be forth-

with publicly disavowed by his majesty, as containing matter inconsistent with the humanity and generous courage which at all times have distinguished the British nation; subversive of the maxims which have been established among Christian and civilized communities; derogatory to the dignity of the crown of this realm; tending to debase the spirit and subvert the discipline of his majesty's armies, and to expose his majesty's innocent subjects in all parts of his dominions to cruel and ruinous retaliations.

Which being objected to, after long debate the question was put thereon.—It was resolved in the negative :

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### *Dissentient,*

I. Because the public law of nations, in affirmance of the dictates of nature, and the precepts of revealed religion, forbids us to resort to the extremes of war upon our own opinion of their expediency, or in any case to carry on war for the purpose of desolation. We know that the rights of war are odious, and instead of being extended upon loose constructions and speculations of danger, ought to be bound up and limited by all the restraints of the most rigorous construction. We are shocked to see the first law of nature, self-preservation, perverted and abused into a principle destructive of all other laws, and a rule laid down by which our own safety is rendered incompatible with the prosperity of mankind. Those objects of war which cannot be compassed by fair and honourable hostility, ought not to be compassed at all. An end that has no means but such as are unlawful, is an unlawful end. The manifesto expressly founds the change.



it announces, from a qualified and mitigated war to a war of extremity and desolation, on the certainty that the provinces must be independent, and must become an accession to the strength of an enemy. In the midst of the calamities by which our loss of empire has been preceded and accompanied, in the midst of our apprehensions for the farther calamities which impend over us, it is a matter of fresh grief and accumulated shame to see, from a commission under the great seal of this kingdom, a declaration for desolating a vast continent, solely because we had not the wisdom to retain, or the power to subdue it.

II. Because the avowal of a deliberate purpose of violating the law of nations, must give an alarm to every state in Europe; all common-wealths have a concern in that law, and are its natural avengers. At this time, surrounded by enemies and destitute of all allies, it is not necessary to sharpen and embitter the hostility of declared foes, or to provoke the enmity of neutral states. We trust, that by the natural strength of this kingdom we are secured from a foreign conquest, but no nation is secured from the invasion and incursions of enemies. And it seems to us the height of phrenzy, as well as wickedness, to expose this country to cruel depredations, and other outrages too shocking to mention, but which are all contained in the idea of the extremes of war and desolation, by establishing a false, shameful, and pernicious maxim; that where we have no interest to preserve, we are called upon by necessity to destroy. This kingdom has long enjoyed a profound internal peace, and has flourished above all others in the arts and enjoyments of that happy state. It has been the admiration of the world for its cultivation and its plenty; for the comforts of the poor, the splendour of the rich, and the content and prosperity of all. This situation of safety may be attributed to the greatness of our power. It is more becoming and more true, that we ought to attribute that safety, and the power:

which procured it, to the ancient justice, honour, humanity and generosity of this kingdom, which brought down the blessing of Providence on a people who made their prosperity a benefit to the world, and interested all nations in their fortune; whose example of mildness and benignity, at once humanized others and rendered itself inviolable. In departing from those solid principles, and vainly trusting to the fragility of human force, and to the efficacy of arms, rendered impotent by their perversion, we lay down principles and furnish examples of the most atrocious barbarity. We are to dread that all our power, peace, and opulence, should vanish like a dream, and that the cruelties which we think safe to exercise, because their immediate object is remote, may be brought to the coasts, perhaps to the bosom of this kingdom.

III. Because, if the explanation given in debate be expressive of the true sense of the article in the manifesto, such explanation ought to be made, and by as high authority as that under which the exceptionable article was originally published. The natural and obvious sense indicates, that the extremes of war had hitherto been checked; that his majesty's generals had hitherto forbore, upon principles of benignity and policy, to desolate the country; but that the whole nature and future conduct of the war must be changed, in order to render the American accession of as little avail to France as possible. This, in our apprehensions, conveys a menace of carrying the war to extremes, or to desolation, or it means nothing. And as some speeches in the house, however palliated, and as some acts of singular cruelty, and perfectly conformable to the apparent ideas in the manifesto, have lately been exercised, it becomes the more necessary for the honour and safety of this nation, that this explanation should be made. As it is refused, we have only to clear ourselves to our consciences, to our country, to our neighbours, and to every individual who may suffer in

consequence of this atrocious menace, of all part in the guilt, or in the evils that may become its punishment. And we choose to draw ourselves out, and to distinguish ourselves to posterity, as not being the first to renew, to approve, or to tolerate the return of that ferocity and barbarism in war, which a beneficent religion, enlightened manners, and true military honour, had for a long time banished from the Christian world.

Camden,	Ferrers,
Abingdon,	Stanhope,
Fitzwilliam,	Ponsonby,
Fortescue,	Derby,
Grafton,	Cholmondeley,
Craven,	Spencer,
J. St. Asaph,	Rockingham,
Richmond,	Tankerville,
Bolton,	Manchester,
Scarborough,	Portland,
Foley,	Beaulieu,
Radnor,	Harcourt,
Egremont,	Effingham,
Abergavenny,	Wycombe,
Coventry,	Devonshire.
De Ferrars,	

It cannot, and ought not to escape observation, that of all the bishops present at the debate which produced this memorable protest, one only, the venerable Shipley of St. Asaph, the friend and disciple of Hoadley, is to be found in the list of the minority. When all history proves that the clergy, who have by any means risen into power, shew themselves, in their collective capacity, almost uniformly the determined and inveterate enemies of the civil and religious liberties of mankind, evidently estranged.

from the common sympathies of humanity, this striking fact is undoubtedly resolvable into certain moral causes, perpetually, though silently, operating. These causes have been, with great philosophical acuteness and precision, developed by Mr. Hume, who has clearly demonstrated, that in a very important sense, priests of all religions are, and ever must be expected to remain, the same.—*Essays*, vol. i. p. 209.

### VINDICATION OF THE EARL OF CHATHAM.

A. D. 1778.

SOON after the death of the earl of Chatham, which took place May 1778, a report very injurious to his memory was spread abroad with much confidence, that this great statesman had, in the course of the preceding winter, “courted a political negotiation” with the earl of Bute. In order to refute this strange notion, a paper was circulated under the sanction of the family, stating the circumstances which led to this misapprehension, bearing the title of “an authentic account of the part taken by the earl of Chatham in a transaction which passed in the beginning of the year 1778.” This publication drew a reply from lord Mount Stuart, eldest son of the earl of Bute; which produced a letter in answer from Mr. Wm. Pitt, younger son of the earl of Chatham. The high character and distinguished services of this great man, render the task of rescuing his memory from unfounded aspersion a sort of historical obligation.

It appears from the vouchers published on this occasion, that the singular idea of effecting a political coalition between the lords Bute and Chatham, was formed in the winter of 1777-8, by sir James Wright, late go-



vernor of Georgia, an intimate friend of the former, and communicated by him to Dr. Addington, the celebrated physician, a no less intimate friend of the latter. According to the narrative of Dr. Addington, inserted in the AUTHENTIC ACCOUNT, sir James Wright, in a conversation held with him about the beginning of January, lamented in strong terms the situation of the country, and gave it as his opinion, "that the only method of saving it was for lord Bute and lord Chatham to unite firmly together." In subsequent conversations, sir James Wright renewed the discourse, adding, "that he was sure lord Bute had the highest respect for lord Chatham; that he had heard lord Bute bestow great commendation on his speech at the beginning of the session, and that the doctor might tell him so if he pleased."

On Monday the second of February, sir James asked Dr. Addington whether he had mentioned their former conversation to lord Chatham? He said he had not. Sir James then said, "that since that conversation he had seen lord Bute, and was certain he had the same earnest desire with lord Chatham to save the country; and was also certain that nobody could save it but lord Chatham, with the assistance of lord Bute—that lord Bute was *ready* to assist him, and would be secretary of state in the room of lord Weymouth." And being once or twice asked after this meeting, by Dr. Addington, whether lord Bute would have been secretary of state in lord Weymouth's room? Sir James answered, "Yes—he would or would not, just as lord Chatham pleased."

At the close of the conversation of February 2d, sir James expressed a wish that the whole which had passed might be communicated to lord Chatham. The doctor considering this overture as a matter of great moment, desired to have in writing the substance of what had been said by lord Bute to sir James. This was acceded to, and early the next morning (Tuesday) a letter was received

from sir James Wright by Dr. Addington, who set out with it directly for Hayes. In this letter sir James was far less explicit than in the previous conversation ; but it contained nevertheless several curious particulars. It is *verbatim* as follows :

“ As I immediately on my return from lord Bute’s, took down in short-hand the principal heads of it, I think I shall not deviate materially from the very words of the conversation, at least, if the spirit of his lordship’s language is debilitated, the essential matter of it is the same. I told lord Bute, that a friend of mine, whose honour and sincerity I could rely upon, had hinted to me, that he thought lord Chatham had a high opinion of his lordship’s honour, as well as his sincere good wishes for the public safety \*. He inquired who my friend was ? I told him it was you. He replied, “ I know he is much lord Chatham’s friend : I know also that he is an honest man, and a man of sense.” I related to him the conversation that had passed between yourself and me, at our last meeting. He said, lord Chatham was one of the very few he had ever acted with in administration, who had shewn great honesty and generosity of sentiment, with a sincere conduct and intention for the king’s and the public welfare. That as for himself, he said, he had no connexion with any one in administration ; that he had not the least distant friendship with lord North, or he should certainly advise him, by all means, to aim at gaining lord Chatham over to the king’s service and confidence. “ And,” said he, “ you may tell your friend doctor Addington, to assure lord Chatham, that if he should think proper to

\* This was a gross misrepresentation of Dr. Addington’s statement of lord Chatham’s sentiments ; for the doctor in his narrative expressly declares, “ that though he told sir James Wright that lord Chatham he believed bore no ill will to lord Bute, or any man with whom he differed in politics, he had never to the best of his remembrance heard him mention lord Bute’s name.”

take an active part in administration, he shall have my most hearty concurrence and sincere good wishes; and you have my full leave to communicate all my sentiments on this subject to your friend." He continued saying many respectful things of lord Chatham; adding, "had we not unfortunately disagreed about the last peace, I am sure he and I should have continued such steady friends, that this country would never have experienced her present severe misfortunes." He also said, the prior part of lord Chatham's last speech was manly and constitutional, and could not but induce every one, a well-wisher to his country, to wish to see him again take a part in the government of the king's affairs, which would be a happiness for the whole empire. He continued saying, "perhaps we have men of abilities in the house of lords; but those in administration, except lord Suffolk, who is usually ill half the year, are none of them sufficiently serious, or attentive enough to the business of the nation, which is now of so much consequence as not to be neglected in the least degree." He therefore could not say he had a good opinion of their conduct. He also said in the course of the conversation, that nothing but the most imminent danger to this country should induce him to take a part in the government of it, *unless* in conjunction with an upright and able administration. Much more was said, but of less moment; however, all tended to convince me that there are not two other men in the kingdom more faithfully inclined to the good and safety of our present distracted nation, than our two noble friends."

On hearing this letter read, lord Chatham dictated the following message, taken down in writing by doctor Ad-dington, and a copy of it forthwith transmitted to sir James Wright.

"Lord Chatham heard with peculiar satisfaction, the favourable sentiments on his subject, of the noble lord with

whom you had talked, with regard to the impending ruin of the kingdom. He fears all hope is precluded, but adds, that zeal, duty, and obedience, may out-live hope; that if any thing can prevent the consummation of public ruin, it can only be new counsels and new counsellors, without farther loss of time; a real change from a sincere conviction of past errors, and not a mere palliation, which must prove fruitless."

As soon as doctor Addington had writ and read to lord Chatham the above answer, he communicated to his lordship such parts of the conversation he had held with sir James Wright, as were not included in the letter—particularly the remarkable circumstance of sir James's having said, that lord Bute and lord Chatham did not differ in political sentiments, with what sir James had told him of the readiness of lord Bute to be secretary of state in the room of lord Weymouth. He seemed to think it strange: "Indeed," said he, "did sir James tell you so?"—"He certainly told me." After this, the doctor asked lord Chatham, whether he had any objection to coming in with lord Bute or lord North? He lifted up his hands, and said, "It was impossible for him to serve the king and country with either of them: and if any one asks you about it, I desire you to bear witness that you heard me say so." His lordship repeated the same words just as the doctor was leaving him.

The next conference between sir James Wright and the doctor, did not take place till the morning of Friday the 6th of February, when some symptoms of chagrin were discernible on the part of the former. He asked what was meant by the words "real change?" It looks, said he, as if they included lord Bute as well as the ministry. If lord Chatham has a mind to undertake the direction of public affairs, there will be no objection to his having the assistance of lord Camden; but there are some he might



choose, who could not be admitted. Sir James farther said, he was to wait on lord Bute at one that day, and would send the doctor an answer to lord Chatham's paper between two and three, if lord Bute should choose to give any.

Having waited in vain till the next day for the arrival of this expected answer, Dr. Addington wrote, February 7th, Saturday 2 o'clock, an account of this last conversation with sir James Wright, to the earl of Chatham, in which he mentions, that having called between two and three on Friday, at sir James Wright's, for the answer in question, agreeably to his engagement, he found that sir James had been at home, and but a few minutes before his arrival had been called back again to his friend, and that he had received at five, a short note only from sir James, saying that he would write him an account of his conversation with lord Bute, by the post next day. The doctor conjectured that more persons than one were to be consulted before this account could be given. "As far," says the doctor, "as I could learn, all parties would be pleased with your lordship and lord Camden, and that no objection was likely to be made to more than *one* of your lordship's friends. Sir James wished that your lordship and his friend could have an interview, adding, that he really believed it was in the power of your lordship and his friend to save the nation." To this the doctor replied, "that he believed the king and lord Chatham could save the nation, and that lord Bute might be instrumental to its salvation, by turning the royal mind from past errors."

Immediately on the receipt of this letter, lord Chatham wrote an answer to it in the following indignant terms :

"*Hayes, February 7.*—The conversations which a certain gentleman has found means to have with you, are on his part of a nature too insidious, and to my feeling, too offensive, to be continued or unrejected. What can this

officious emissary mean, by all the nonsense he has at times thrown out to you? The next attempt he makes to surprise friendly integrity by courtly insinuation, let him know that his great patron, and your village friend, differ in this—one has brought the king and kingdom to ruin: the other would sincerely endeavour to save it.”

On the succeeding day (Sunday, February 8th), doctor Addington received a letter, dated February 7th, from his friend sir James, who had by this time resumed, no doubt, in conformity to his instructions, all his former good humour. “ I communicated, my dear doctor,” says this political busy-body, “ our conversation of yesterday to my friend soon after I left you, and then shewed him a copy of the paper you allowed me to transcribe. You will easily recollect, on my first reading it over with you, the observation I made on that particular expression in it, “ a real change, and not a mere palliation,” namely, that your noble friend still thought lord Bute had influence in the measures of administration. In the very same light *he* also construed this expression; he therefore desired me to inform you, for the instruction of your friend, that the ill health he had long been subject to, united with the distresses of his family, had accustomed him to a perfectly retired life, which he hoped as long as he lived steadily to adhere to. He added, that his long absence from all sort of public business, and the many years which had intervencd since he saw the king, precluded him from forming any idea of measures past or to come, but what he gathers from very general conversation, or the newspapers; and this total ignorance, he said, renders the opinion given of the present dangerous crisis, more alarming to him than it would otherwise be, and much more painful; as notwithstanding his zeal for the country, love for the king, and very high opinion of lord Chatham, he has it not in his power to be of the least use in this dangerous emer-

gency, and that from his heart he wished lord Chatham every imaginable success in the restoration of the public welfare."

From this letter it seemed reasonable to infer, that although lord Bute had *now* relinquished the idea of taking a personal share in the future administration, it was still in contemplation to call the great talents of lord Chatham once more into action. And sir James already, as it should seem, regarding lord Chatham as first minister, concluded his letter with very lavish professions of his own integrity and patriotism, and earnest wishes "that it was in his power to give his correspondent's great and invaluable friend, the most convincing proofs of his assertions, and of the profound veneration he entertained for him."

It is somewhat remarkable, that doctor Addington received by the very same post, the above letter from sir James Wright, declaratory of his profound veneration for lord Chatham, and the note from lord Chatham, expressing his supreme contempt for sir James Wright. The doctor sent the former immediately to Hayes, and lord Chatham being at the time ill with the gout, lady Chatham wrote the doctor an answer, acknowledging the letter of sir James Wright to be handsomely written, and sufficiently explicit, and at the same time, by her lord's desire, pointing out the great incongruity between this and the former communications. The doctor took the first opportunity to acquaint sir James with the sentiments contained in this letter, and also with the contents of the latter part of lord Chatham's preceding note. This procedure necessarily and abruptly terminated the negotiation\*.

\* Something of mystery hangs over this part of the transaction. When lord Chatham penned his indignant note of February 7, so characteristic of his open and ardent temper, he undoubtedly thought that lord Bute wished by insidious means to draw him into a political coalition, to the very mention of which it would disgrace him even to listen. But sir James Wright's

Soon after the publication of doctor Addington's narrative, included in the AUTHENTIC ACCOUNT, sir James

letter of the same date, written with guarded caution, and after a long pause of deliberation and consultation, set matters in a new and very different light. Lady Chatham says, "It is impossible not to remark how widely it differs from the tenor of some of the intimations conveyed in former strange conversations to you. The letter now before him, *i. e.* lord Chatham, is written also with much sense and candour, as coming from a heart touched with the extreme danger of the king and kingdom." And she tells Dr. Addington, "that lord C. desires her to express for him the true sense he has of all his very friendly attention in this very delicate and critical situation." It is evident upon the whole, that lord Chatham, retaining his original belief of lord Bute's irresistible influence over the king, was now of opinion that he was disposed to exert it for the purpose of effecting a total change of system, and that relinquishing every idea of taking any active part in the future administration, he would be satisfied with throwing every thing into the hands of lord Chatham. And this certainly appears to have been the true meaning of sir James Wright's letter, if it contained any serious meaning at all.

The note of doctor Addington to lord Chatham, in reply to his indignant one, was written after the receipt of sir James Wright's communication of the 7th, and it is as follows:

"I am infinitely obliged to you, my dear lord, for your very kind and friendly caution against surprise and insinuation. It shall never be forgotten; and when I see the gentleman next, which perhaps may be to-morrow, your lordship's wise and noble commands shall be literally obeyed. The inclosed letter, which was promised to come yesterday by the post, arrived this morning by a special messenger. It needs no comment of mine. I am sure your lordship will understand the language and drift of it much better than I can, or any body else. I am impatient to see your lordship in town, and pray for a few minutes with you to-morrow. The time is come for you; and you only, to save a king and kingdom. Your lordship knows that I am ever, &c."

In this note, the doctor shews himself fully aware of the importance of sir James Wright's last communication, and yet at the same moment resolves to take an infallible method to render the whole negotiation abortive, by disclosing to sir James, and of course to lord Bute, a declaration penned by lord Chatham under very different circumstances, and when he was actuated by very different views and apprehensions. At the precise time when lord Bute seemed laudably disposed to make every personal sacrifice for the good of the country, a communication was made to him on the part of lord Chatham, which he must unavoidably regard as a gross insult. And this was done by the injudicious zeal of doctor Addington, after the receipt of lady Chatham's letter, which so plainly indicated the more favourable view



Wright thought proper publicly and solemnly to declare, that he had no authority directly or indirectly, to suggest to doctor Addington, any terms on which lord Bute wished lord Chatham to come into administration. And some time afterwards, lord Mount Stuart, eldest son of lord Bute, published a statement of this affair, in vindication of his father, in which he inserted a letter from the earl of Bute to lady Chatham, dated August 16th, 1778, from Luton park, as follows :

“ MADAM,

“ I am happy in the opportunity your lordship gives me, of relating to you all I know concerning a transaction in which both lord Chatham and I, have been strangely misrepresented to each other, and concerning which, so many falsehoods have been industriously propagated. When sir James Wright communicated to me the very flattering language in which he declared lord Chatham expressed himself concerning me, I was naturally led to mention my regard for his lordship, and the high opinion I entertained of his superior talents, hoping from what was then publicly talked of, to see them once more employed in the ministerial line. And collecting from sir James, that the knowledge of my sentiments would not on this occasion be displeasing, I did not hesitate to express my hearty wishes that this important event might soon take place. Some time after this, I was extremely surprised with a conversation, sir James said, doctor Addington wished to be reported to me. It was in substance, lord Chatham's opinion of the alarming condition we were in, and the necessary measures to be immediately taken upon it. As such a communication to a person in my re-

which lord Chatham entertained of the overture made on the part of lord Bute, in consequence of the last communication of sir James Wright; and thus every hope of political salvation from this quarter, was finally frustrated.

tired situation, seemed only made on a supposition that I had still some share in public councils, it appeared necessary for me to dictate to sir James my answer, in which, after lamenting the dangerous situation of affairs, unknown to me in such an extent, I added, that this affected me the more, as my long illness, and total seclusion from all public business, put it out of my power to be of the least service. This, madam, is the whole I was privy to in this affair, and all that passed between sir James and me upon it."

"If any farther explanation can be necessary," says lord Mount Stuart, "from my father, respecting either the design or purport of his message, he allows me to say in his name, that he did perhaps erroneously consider doctor Addington's representations of lord Chatham's manner of speaking of him, as reported at the time by sir James Wright, to be intimations thrown out by his lordship, in order to know his, my father's, sentiments upon the subject of his coming then into administration: for which reason my father did not scruple to send a message by the person from whom he derived his information, signifying, that if lord Chatham was appointed to administration, the hearty concurrence of his judgment, and sincere wishes of success, would follow that appointment. He avers at the same time, that he did not conceive a thought of proposing himself for any office, or of accepting any office with him; his own inclination having never prompted him, nor his state of health admitted him, to engage in public business, except on very few occasions in the house of lords, from the time of his quitting the treasury in 1763. Neither did he entertain an idea of suggesting to lord Chatham any arrangement of an administration; his wishes, and the communication of them through sir James Wright, having solely regarded lord Chatham.

"There is another passage which appears to me more

material still with respect to my father, than what I have already mentioned. This is the copy of the note from lord Chatham, in his own hand-writing, to doctor Addington, saying, "The next attempt he (sir James Wright), makes to surprise friendly integrity by courtly insinuation, let him know, that his great patron, and your village friend, differ in this—one has brought the king and kingdom to ruin: the other would sincerely endeavour to save it."

"Here is a letter under the earl of Chatham's hand, vouched to be such by the authority of his family, imputing to lord Bute those counsels which, lord Chatham says, whether justly or erroneously is not the present question, have ruined the king and kingdom. Every reader will at once have understood this imputation to be founded on lord Chatham's opinion of lord Bute's secret influence, as it is called, by which he has been imagined to dictate or control the measures of the cabinet, ever since the earl of Chatham left it. Lord Bute has not been ignorant of the long prevalence of that error, having seen himself most injuriously treated in consequence of it for many years past, by writers of pamphlets, newspapers, essays, and political paragraphs, all which he passed over in silent indignation and contempt: but when he sees the same cruel mistake advanced and countenanced by such an authority as the earl of Chatham, he thinks he should be wanting to himself, if he did not encounter it with the best evidence that can be supposed to lie within his reach.

"There are but two persons in the kingdom, who are capable of knowing the negative of that opinion with absolute certainty. One of them is of a rank too high to be appealed to, or even mentioned on this occasion; the other is himself. He does therefore authorize me to say, that he declares upon his solemn word of honour, he has not had the honour of waiting on his majesty, but at his levee

or drawing-room, nor has he presumed to offer an advice or opinion concerning the disposition of offices, or the conduct of measures, either directly or indirectly by himself or any other, from the time when the late duke of Cumberland was consulted in the arrangement of a ministry in 1765, to the present hour."

This was followed by a well-written letter from Mr. William Pitt, younger son of lord Chatham, tending to establish, in opposition to some remarks of lord Mount Stuart, the general result of the AUTHENTIC ACCOUNT, "that the late earl of Chatham, not only did not court a political negotiation with the earl of Bute, but without hesitation peremptorily rejected every idea of acting with his lordship in administration"—a proposition which it was indeed idle and absurd to contest.

The scene was closed by the second appearance of the "officious emissary," sir James Wright, on the stage. His letter contained many irrelevant observations, the chief object of which was, to depreciate the highly respectable character of Dr. Addington, in order to invalidate the force of his evidence; but he did not venture explicitly to deny the truth of any fact stated in the doctor's narrative. One assertion only merits specific notice. "The conversations," says sir James Wright, "whatever they were, which passed previously to the 3d February, make no part of what is called the negotiation. For the doctor set out with the caution of a veteran member of the "corps diplomatique."—He determined not to trust to mere conversation. He desired to have in writing the substance of what had passed between him and sir James. He had it in writing. To this written evidence then let the reader advert. It was on that which was written, and on that alone, the doctor was to negotiate. All that had passed, and which was not written, was in that very paper declared to be of *little concern*."

This passage lies open to severe animadversion. For,



1st, if the paper written by sir James Wright, did in reality hazard such a declaration, it declared a falsehood; for several things passed in conversation with doctor Addington, which were of *great concern*, and which the doctor was allowed to communicate to lord Chatham, though they were not contained in the paper—particularly that lord Bute did not differ in political sentiment from lord Chatham, and that he was ready to take the office of secretary of state in the room of lord Weymouth.—But, 2dly, the paper did not make any such false declaration. After relating that lord Bute, in the course of conversation with sir James Wright, had said that “*nothing but the most imminent danger to the country, should induce him to take a part in the government of it, UNLESS in conjunction with an upright and able administration;*” it is simply added, “that much more was said, but of less moment;” an expression surely by no means equivalent to that substituted by sir James, of “little concern.”—But, 3dly, and chiefly, the written declaration of the 3d February, differs totally, as is justly remarked in lady Chatham’s note, from the written declaration of the 7th of that month, in which sir James expressly says, in the name, and nearly in the very words made use of by lord Bute himself, in his letter to lady Chatham, “*that he had it not in his power to be of the least use in this dangerous emergency.*” And in another part of this communication, sir James informs doctor Addington, by lord Bute’s express desire, for the instruction of his noble friend, that the causes specifically stated in this paper, “had accustomed him to a retired life, which he hoped as long as he lived steadily to adhere to.” This radical and flagrant inconsistency, sir James Wright makes no attempt whatever to explain or to palliate. That this “official emissary” far exceeded the limits of his commission, is indeed highly probable; but that he was, in consequence of the artifices practised upon lord Bute by sir James Wright,

allowed to sound the earl of Chatham, through the medium of doctor Addington, how far a coalition of measures and of interests between these noblemen would be acceptable to the latter, must be admitted as the hypothesis which most easily solves the attendant difficulties. But when lord Chatham had, in his ardent and characteristic language, pointed out the difference between the "great patron" of sir James Wright, and "the village friend" of doctor Addington, the negotiation was necessarily and for ever at an end. It only seems requisite to add, that if the assertion of lord Bute, as to his non-access to the king, was true, and there is no reason to doubt the personal honour of that nobleman, he left those about the royal person, who had too deeply imbibed his lordship's principles and maxims of government, to allow the monarch, or the nation, to reap any advantage from his absence.



### MANIFESTO OF THE COURT OF SPAIN,

DECLARING THE MOTIVES WHICH HAVE INDUCED HIS  
CATHOLIC MAJESTY TO ACT HOSTILELY AGAINST  
ENGLAND.

*A. D. 1779.*

THIS manifesto extends to such an immoderate length, and is for the most part so futile and frivolous, as to justify the omission of by far the greater proportion of the whole—retaining those heads of accusation merely, and those details, which are useful for the purposes of general history.



### MANIFESTO, &c.

I. It would be too long to relate minutely, all the grievances which Spain might complain of since the conclu-

sion of the treaty of peace in 1763. By the 16th article of that treaty, England acknowledged the bay of Honduras as making part of the Spanish dominions.—Not satisfied with these violences, they have established themselves in many other ports, rivers, and coasts of the Spanish territory, in the said bay of Honduras, Rio Tinto, Rio Matina, &c. in which places they could not even allege the specious pretence of cutting logwood, but manifestly with a design of usurping foreign dominion, and of smuggling various merchandizes without any discretion. Wherever they set their feet for the purposes of settlement, the English behave in the same manner. For example, on the coast of St. Blas, a province of the Darien, they engaged the Indians that inhabit the frontiers of the Spanish settlements to raise a revolt—giving them all succours, and decorating them with pompous patents and brevets, or commissions of command, under the protection of Great Britain.

Many have been the attempts made by the English within these few years, to drive into rebellion against Spain, those nations of India, their allies and friends, who inhabit the lands contiguous to Louisiana. Applications have been regularly made to the court of London on different occasions, for the redress of various offences of that nature; and though its answers have been made in general terms, such as these, “*we shall take notice of that, and send the necessary orders,*” Spain has not yet seen the alteration which she expected in all wisdom and justice.

II. Spain gave in regard to prizes, orders similar to those of France, and it caused them to be put in execution with so much rigour and exactness, that several American privateers, and among others, the famous Cunningham, exasperated against Spain, retaliated, by using the Spaniards very ill, and making upon them reprisals which have not as yet been delivered back, though often asked for.

III. The court of London, with an intent of keeping at hand a specious pretence for a rupture, affected great uneasiness on account of the mercantile correspondence carried on between some merchants of Bilboa, and others of the English colonies, though that correspondence had begun several years before their rupture with the mother country. The English ministry discovered the like uneasiness, for a like mercantile correspondence carried on by some merchants of Louisiana with the Americans, and pretended to call the Spanish government to an account for that contravention to its own laws in that part of the world; and the English commanders of those parts pretended proudly, that the inhabitants prosecuted by them should not be allowed to take refuge in Louisiana, whilst the royalists were made welcome there, being under no apprehensions for their lives or properties: for which generous dealing, several of them returned thanks to the Spanish government. The Spanish government did not confine itself to those tokens of humanity. Having heard of a great scarcity of flour prevailing at Pensacola, it spontaneously sent a good quantity of it into that place: threats, violences, and the hostile proceedings laid down in the foregoing articles, are the only thanks the ministry and the English nation gave for the same.

IV. For fear we should be detained in the enumeration of the events anterior to these late times, we shall only say, that the insults offered by the English navy to the Spanish navigation and trade, from the year 1776 till the beginning of the present year 1779, were already 86 in number, including prizes taken by unjust practices, piracy, and robberies of various effects out of the vessels; attacks made with gun-firing and other incredible violences. Since the said month of March, and notwithstanding the memorial presented by the ambassador, marquis d'Almadovar, on the 14th of the same, in which he complained of the principal grievances, and revived the me-



memorials that had preceded, three Spanish ships were taken by the English on the 12th, 19th, and 26th April, viz. the *Nostra fra de la Concepcion*, the *La Virgen de Gracia*, and the *Las Almas*; which proceeding, together with the other insults, of which a detail was sent to the same ambassador, in order to be laid before the English ministry, were sufficient motives for the ambassador to assert in his final declaration, presented to the ministry on the 16th June, that the grievances of the late years did not fall much short of a hundred.

V. In the two last years, and till the beginning of March of the present year, the English navy has insulted at twelve different times in the European and the American seas, the ships of his Catholic majesty, &c.

VI. The English nation entered the Spanish territories eleven times within a very few years past, &c.

VII. The complaints of the court of Spain have been as many as the insults offered; memorials having been repeatedly presented from time to time in London and in Madrid; so that they might be said to have been innumerable. Nevertheless, the king of England told his parliament precisely, that many of them never came to his knowledge, adding moreover, that he was fully convinced he had never given occasion for the unjust proceedings of Spain. We now say it over again, complaints have been so repeatedly made, that on the 5th February, 1778, Don Francisco Escarano, having exposed and shewn some of them in writing to lord Weymouth, did express plainly how tired he was presenting so many. These were the expressions made use of by Spain, in February 1778. Let us now see what that court said on the 14th of March in the present year, by the channel of the marquis of Almadovar, in a memorial written for that purpose to the viscount Weymouth. "In a word, had even every circumstance concurred to hinder or delay the instruction which the British ministry desired, previous to its giving

redress to my court, the king my master, thought at least, that orders sent by his Britannic majesty to his officers, should have stopt the course, at least of those vexations. So far from it, advice is continually received at Madrid, of recent injuries." This memorial, given in the month of March, produced nothing but fine promises on the part of the English ministry, without preventing the making prizes, and committing other insults in the months of April and May following. We may reasonably question whether the English ministry ever took the trouble to read the notes or enumeration of the grievances; and if not, the reason is obvious why his Britannic majesty had never been informed of them, as he was pleased to announce to his parliament.

VIII. All the European powers know full well the practices of the English navy in its depredations: what country has not experienced them, either in the present or the late war between France and England?

IX. The injustice of the sentences pronounced by the English judges of the admiralty, and their extravagant conduct, may be ascertained by the two following cases: The Spanish ship, *St. Celmo*, &c.—The packet, *St. Pedro*, &c.

X. No other power has experienced like Spain, the aggressions and usurpations of the English government, made in the time of the most profound peace, &c.

XI. In spite of the projects and public threats of several members of the English parliament, who proposed to settle the disputes with the Americans, in order to make war against the house of Bourbon, the Catholic king never would make any treaty with the colonies.

XII. The Spanish chargé des affaires in London, don Francisco Escarano, had instructions (March 24) to declare to the English ministry, that though his Catholic majesty had taken no share in what had happened between France and America, and was still resolved to preserve the peace; this was to be understood as long as his majesty

could make it consistent with the dignity of his crown, &c.

XIII. It has been the manifest leading project of England, to bring about a re-union of the colonies with the crown, in order to arm them against the house of Bourbon, or to lead that same house into an error, by means of treacherous negotiations and treaties, in order to take revenge on the colonies, after having made them enemies to France.

XIV. The king of Spain could not observe a greater circumspection than he did, to avoid engaging himself in a fruitless negotiation, or getting entangled in its consequences. Sending orders on the 19th April, 1778, to don Francisco Escarano, directing him to require from the British ministry, a manifest declaration, expressing their real wish and desire for a negotiation with France, by the mediation of his majesty, and setting forth the chief articles whereupon to ground it. Those and other like precautions, became necessary with a ministry that always affects to speak mysteriously, ambiguously, and with artful restrictions, &c.

XV. Orders were sent to Escarano, on the 23d and 25th of May, and on the 1st June last year, directing him to keep a profound silence upon the negotiation that had been agitated, and to declare again to the court of London, that his Catholic majesty was always in the same pacific disposition, and would continue so as long as the conduct of the English nation should not compel him to alter his sentiments.

XVI. It is evident that hostilities were committed by England against the Spanish territories, and the Spanish flag, under the mask of friendship, and in the midst of the most cordial protestations and assurances of peace.

XVII. It would not appear strange, if clandestine orders, similar to those given to take possession of the French settlements in the East Indies, had been sent in the begin-

ning of this year to fall upon the Philippine islands, at a time when his Catholic majesty spared no pains to obtain an honourable peace for England, and free that nation from great misfortunes and calamities.

XVIII. The Catholic king continued his mediation to his most Christian majesty, with an intent of making a peace, not only because his religious and pious heart, and the love he professes to his subjects, and to the human race in general, inspired him with those sentiments; but moreover, because the court of London continued to insinuate its desire of coming to an accommodation with France. And indeed hardly was the count of Almadovar arrived in London, but he acquainted his own court on the 14th September, 1778, that in a long conference he lately had with the viscount Weymouth, that minister had concluded his discourse with these terms: viz. “that the king his master, knew the amiable dispositions of his Catholic majesty; that he was indebted to him for his demonstrations of friendship; and most sincerely desired to terminate the present war by his mediation, by a method consistent with the honour of the crown of Great Britain, and by which at the same time an equal regard should be paid to France.” In consideration of the usual tenderness and honour due to the crown, lord Weymouth recommended to the marquis d’Almadovar, not to use in his dispatches—as he, Weymouth, would have the same care in his own—these words, “to ask the mediation,” but to request and to wish that “his Catholic majesty should interpose his mediation.” The lord Grantham spoke substantially the same language in Madrid; and his Catholic majesty having taken it into his consideration, ordered a note or memorial to be delivered to that ambassador, on the 28th of the said month September, and a copy of the same was dispatched to the marquis of Almadovar, with direction to communicate it to the English government. We thought it indispensably necessary to write out the



answer contained in the same memorial, because it will throw light upon and serve for the right understanding of the said negotiation, and which was as follows :

“ The king considering what has been written by his ambassador the marquis of Albadovar, and out of love for mankind, and moreover to continue upon good and amicable terms with both the kings of France and Great Britain; and also lest he might be reproached with refusing to promote, as far as lays in his power, the tranquillity of Europe, he has resolved to notify to each court, that if they sincerely wish to enter into a plan of reconciliation by the mediation of his majesty, without prejudice to the honour of either crown, but with an anticipated anxiety for the dignity of both, the most regular and decent mode of proceeding is, that each court should deliver into the king's hand without delay, and at the same time, the conditions and the articles they intend to obtain, or to grant, by the treaty, that his majesty may communicate to the one court the propositions of the other, to the end that they may be modified, discussed, or refused. That after a due examination of the whole, his majesty shall propose his own plan of pacification, to terminate the difference. That the negotiation must stipulate the method of concerting with the Americans; without which, the wished for peace cannot be attained. And finally, that at one and the same time the conditions relative to the private interests of England and Spain, shall likewise be discussed and settled. That the king would be sorry if this method was not adopted, or if the negotiation was not conducted with sincerity; since, in spite of the wishes and pacific dispositions of his majesty, he foresees that the circumstances of the present war must oblige him to become a party; the necessity of having his flag respected, and of repelling the insults which are daily offered to his subjects, having occasioned expensive armaments and immense losses.”

The conclusion of the foregoing answer caused much uneasiness to the court of London, which nevertheless sent a frigate that entered the port of C'orunna, on the 10th November, with dispatches for lord Grantham, with the answer of the said court. That answer was delivered on the 14th of the said month of November, and the contents of it were, that the court of London accepted with pleasure the mediation of his Catholic majesty, to settle the differences that existed between England and France, provided the latter would withdraw the succours and aid it gave to the colonies. As to the articles relative to the reciprocal interest of Great Britain and Spain, the reply was, "that his Britannic majesty was ready at all times, and wished earnestly to enter into that discussion; and to settle them so as to establish reciprocal advantages to both empires." The Catholic king, in compliance with the tender he had made to both courts, communicated to each of them, on the 20th November, the pretensions, propositions, and overtures made respectively; persuading both of them with various reasonings, to seek means and temperaments productive of a sincere and honourable reconciliation. At the same time a letter was sent to the marquis of Almadovar, setting forth what follows: viz. "Your excellency is authorized to settle the matters relative to our own interest, on which important business the utmost efforts of your zeal must be employed; since the king, who wishes sincerely to preserve the peace, will receive the greatest pleasure, if he sees those differences satisfactorily settled. To the same purpose let your excellency remind the English ministry of the generosity of Spain, for its impartial proceedings, in circumstances so critical as the present ones. But let your excellency represent how badly we have been answered, and how ill we are constantly treated by the English navy, as may be ascertained from the insults that our navigators receive almost daily in different parts of the ocean, and in the very ports

and places on the coasts of this peninsula. That court will understand, that the greatest protestations of friendship have no force to persuade, while repeated insults are never reprov'd or chastis'd; especially after we have been for years exposing to them our grievances in the most cordial open manner, and with the most cautious expressions.

“ Your excellency is not ignorant of what has been regulated by the preliminaries of the treaty of Paris, in the year 1763, in the 16th article, relative to the English settlements in the bay of Honduras, and other adjacent territories. It was there stipulated in positive terms, that whatever fortifications had been built, they should be demolished; and that the English should only be allowed to have some houses and magazines, without being molested in the cutting, or in the carriage of the logwood, out of the territories which have always been acknowledged to belong to Spain. Not only that demolition was never performed, but the fortifications have been even augmented, and there is now artillery and garrisons in them; so that those plantations have been converted both into a military government with patents, and by the authority of that court; and into a permanent colony, by the usurpation of foreign territories, and a formal contravention to the treaties.

“ Other enterprises of the same nature have been made in different parts of those extensive coasts, as your excellency will find related in the papers of the secretaryship. And your excellency is likewise desired to take notice of the artful machinations made use of by the English, to arm the Indians against the Spaniards. There being no possibility of establishing a solid and sincere friendship, except redress be given for such notorious grievances, and except they be prevented to happen in future, it becomes the court of London to compensate those injuries, according to the dictates of equity, and then others will be laid before the said court with the same freedom. Those re-

dresses, however, once granted, England will find no instances of better disposition than those harboured in the heart of our august sovereign.

“ I have at different periods acquainted your excellency, as I had often done your predecessor in the embassy, of the various insults we received near Louisiana, wherein the English either instigated the Indians, our allies, to raise a rebellion against us, and to fight us with the arms and ammunition they had put into their hands, or insulted the Spanish plantations and settlements, and even threatened to attack the capital towns with their men of war, under the most frivolous pretences no way excuseable. On this head I shall only add, that extortions have been so continual, that they cry aloud for a prompt remedy.

“ Finally, your excellency is well informed of all the insults we have suffered, and which we never deserved either by our past or present conduct. Consequently your excellency will expose our rights with the greatest cordiality and moderation, to the end that the English ministry may be convinced of the rectitude and sincerity of our conduct, and of the necessity of settling at once our differences, and of regulating our claims and interests: at the same time stifling whatever may lead to any future discord, for the respective utility of both nations, upon which I refer to the instructions sent to your excellency. A sufficient power has already been invested in your excellency, and a greater one will be given if necessary, the more effectually to consolidate the friendship of the two courts; which important point, and that of a general peace, are the two objects which the magnanimous heart of our sovereign greatly longs after. I suppose, however, that your excellency will not forget that we can do nothing whatever against the interest of France, whose friendship must always be one of our greatest concerns.”

In consequence of the facts and transactions already enumerated, the world will be convinced of the circumspec-



tion, sincerity, and attention, with which the Catholic king has endeavoured to conclude a peace solidly cemented, and to obtain from England redress for an infinite number of insults. The court of London, moreover, affects now to compel his majesty to take up arms—a part he has already taken, by renewing the insults without any appearance of offering redress.

XIX. The propositions of England, in answer to the dispatches of his Catholic majesty of the 20th November, 1778, were not received in Madrid before the 13th January, 1779, and were the result of a conference held the 28th of December last, between the marquis d'Almadovar and the viscount Weymouth. What has been the conduct of that minister in this occurrence, may be collected from the following expressions contained in the dispatches, designed as an answer, and directed to the marquis of Almadovar on the 20th of the same month, January: "I have read to the (Catholic) king"—these are the very words—"the whole dispatches of your excellency, as well as the paper delivered to you by lord Weymouth. I have at the same time informed his majesty of the remarks and observations that lord Grantham has communicated to me relative to the same object. This ambassador has put into my hands another paper, similar to that which your minister of state \* has forwarded by your excellency. Nevertheless I must say, that neither in the explications of lord Grantham, nor in the dispatches he received from his court, are found the substantial and specific expressions which have been made use of with your excellency, in order to induce the king to propose a method of accommodation. Notwithstanding that, I shall tell your excellency with freedom and exactness, the reflections made by the king, the resolution he has taken, and the conduct your excellency should keep,

\* *i. e.* The earl of Hillsborough, who had recently succeeded lord Weymouth as secretary for the southern department.

to cause it to be understood, and get an answer; and the present dispatches will serve to your excellency as instructions.

“ His majesty has already remarked, that the court of London expresses itself differently by word of mouth to what it does in writing; that is to say, by word of mouth it appears as if that court wished for nothing more eagerly than to hear the convenient and honourable temperament his majesty has found, in order to accede to it—and in writing, it appears that the British ministry persist in their former ideas, expressing only their desire of peace by general protestations.”

Subsequently to the foregoing reflections, others were set down in the said dispatches to the marquis of Almadovar, explaining some thoughts that occurred to his majesty, with a desire of falling into a prudent and honourable method that might facilitate the pacification. The substance of those ideas was confined to know whether it might be expected that the English cabinet would consent to a long continued truce between the belligerent powers and the colonies, that might be prudently combined to preserve the dignity of each of them, and consolidated with various precautions, to remove any suspicion of a new rupture; for which purpose it should be referred to a subsequent negotiation, or to a congress to be held in an impartial place, under the mediation of the king, for the stipulating or concluding the treaties that might take place between those powers.

XX. From the 20th January of this year, when an extraordinary dispatch was forwarded to London, with the ideas or thoughts of the king, as recited in the above number, the English cabinet deferred giving any answer until the 16th March. At the end of so long a delay, that court came to an explication in a dispatch sent to lord Grantham, which was received in Madrid the 28th of the same month. It amounted merely to advert at large on the

reflections contained in that of the court of Madrid of the 20th January ; but it deserves much notice, what sort of satisfaction lord viscount Weymouth gave relative to the difference observed between his manner of explaining himself by word of mouth and by writing : “ My language ” —these are the words of his answer—“ with the marquis d’Almadovar, flowing from my ardent desire for peace, went too far, and were wanting in exactness, if they imported a disposition to exchange the royal honour and manifest rights, for a decent exterior and plausible temperature.” If with such a finesse ministers recede from their words, and satisfy those with whom they treat, what faith or security can be put in the explanations of a court made solemnly to the ambassador of a powerful king ? Be it as it may, after all the observations contained in the fore-mentioned English dispatch of the 16th March, it concluded with an appearance which flattered the king with an hope, that at least a pacification might be effected. “ Let France propose,” said the English cabinet, “ her complaints, pretensions, or points of any kind whatever, and an adequate answer will be given ; or let there be a truce for a certain time between Great Britain and France, during which period the pretensions of the one and the other may be adjusted, through the good offices of his Catholic majesty. Let the colonies,” added the English cabinet, “ propose their complaints, and the conditions for their security and caution, by which may be re-established the continuance and authority of a lawful government. We shall then see if we can come to a direct and immediate agreement : or, if they also prefer the method above-mentioned, let there be likewise a truce made with North America, that is, a real truce, and effective suspension of hostilities, during which the liberty and effects of all sorts and classes of persons may be re-established and secured, and all violence suspended on one side and the other, against the respective individuals and the estates or

effects they possess. In these truces the French may treat of their own peculiar matters, without giving the umbrage which would be inevitable, if they mixed in the negotiation their own particular advantages with the supposed interests of those whom France affects to call her allies: and his Britannic majesty may establish the government of his own dominions, without the disagreeable circumstance of receiving the conditions relative thereto from the hands of a declared enemy."

XXI. It appears by the opening made by the court of London in the dispatch mentioned in the preceding note, for the purpose of establishing a truce between France and the colonies, that it contained no difficulty except the reserving for a separate treaty the pretensions of the said power, and those of the American provinces aforesaid, so that France should not interfere in the arrangement of their interests: at least this is what any person of sincerity and good faith would then or even now believe, who read, or now reads the explanations of the English cabinet in that dispatch. Under this supposition, we shall communicate for the eye of the impartial public, the ultimatum of the propositions made by the Catholic king to the two courts of Paris and London, he having taken on himself the adjustment of the disputes subsisting with the American provinces, and considering there was not time to communicate to them, or even to France, this his resolution, and whereof advice was given to the said courts on the 3d of April in the present year, that is to say, seven days after the having received the answer of the English cabinet.

“ If these openings or propositions”—thus literally are the expressions of the ultimatum—“ had come immediately after the king had made his for the forming a plan of reconciliation, many difficulties might already have been removed or adjusted by the modifications which it might have been practicable to have negotiated, if reci-



procal good faith had existed, and a confidence to conclude a peace. But having lost more than two months time without mentioning what was neglected before, and observing in this interval there was no need of cessation in the forming great expeditions or preparations, suspicions inevitably arose, that the drift was to amuse and consume the remaining months of the campaign, and to continue the war with vigour. If this be the case, every attempt of the king will be useless towards establishing concord between the belligerent powers. Nevertheless, his majesty, to give the last proof of his love of humanity, and that he has not left undone any thing to impede and put a stop to the calamities of war, has commanded that the following plan be proposed to the two courts, which on his part is the ultimatum of his negotiation :

“ That with a view that this suspension of hostilities may establish reciprocal security and good faith between the two crowns, there shall be a general disarming within one month in all the European seas, within four in those of America, and within eight, or one year, in those remote parts of Africa and Asia. That in the space of one month a place shall be fixed upon, in which the plenipotentiaries of the two crowns shall meet to treat on a definitive adjustment of peace, regulate the respective restitutions or compensations necessary, in consequence of the reprisals that have been made without any declaration of war, and to settle such matters of complaint or pretension as the one crown may have against the other. To the accomplishment of which end, the king will continue his mediation, and does now, for the holding of this congress, make an offer of the city of Madrid. That a like suspension of hostilities shall be separately granted by the king of Great Britain to the American colonies, through the intercession and mediation of his Catholic majesty, to whom the same potentate shall promise the observance thereof, and with the condition that it shall not be broke

without giving to his majesty an anticipated notice of one year, that he may communicate it to the said American provinces; and that there be established a reciprocal disarming, the same as with France, in the same times and places, regulating the limits that shall not be passed by the one or the other party, with respect to the places they may respectively occupy at the time of ratifying this adjustment.

“That for settling these particulars, and others relative to the firmness of the said suspension, and to the effects it may produce while it subsists, there shall come to Madrid one or more commissaries or agents of the colonies, and his Britannic majesty will send his under the like mediation of the king, if they should be in need of it, to accord or agree in the foregoing; and that in the mean time the colonies shall be treated as independent in acting.

“Finally, if it be desired by all or any of the belligerent powers, or by the aforesaid colonies, the fore-mentioned powers shall jointly with Spain guarantee the treaties or agreements which shall be made: the Catholic king now makes an offer of his guarantee to the said preliminaries.”

Whoever compares these articles with the preceding openings made by the court of London, will decide, if there can be imagined proposals more moderate, or more analogous to the system laid down by the British cabinet. Perhaps his Catholic majesty has rather gone too far in the moderation to which he reduced the said propositions, taking on himself the difficult task of settling the disputes.

XXII. The greatest repugnance which the British cabinet affected to shew to the ultimatum and propositions of the king of Spain, rests on the point of treating the colonies as independent in acting during the interval of the truce. To what has been already said may be added,

what was affirmed in all the public papers of the month of February, 1778, that lord North had on the 17th of the said month, proposed in the house of commons, as a matter of course, “ that the commissioners then appointed by the court of London, should treat with the American deputies as if they were plenipotentiaries of independent states, with proviso, that this concession should not be prejudicial to Great Britain, if, in the course of the negotiation the colonies should resolve to desist from their claim of independence.”

It is a thing very extraordinary, and even ridiculous, that the court of London treats the colonies as independent not only in acting, but of right, during this war, and that it should have a repugnance to treat them as such only in acting, during a truce or suspension of hostilities. The convention of Saratoga; the reputing general Burgoyne as a lawful prisoner to suspend his trial, the exchange and liberating of other prisoners made from the colonies, the having named commissioners to go and supplicate the Americans at their own doors, request peace of them, and treat with them and the congress; and finally, by a thousand other acts of this sort authorized by the court of London, have been, and are true signs of the acknowledgment of the independence; and the English nation itself may judge and decide, whether all those acts are so compatible with the decorum of the British crown, as would be the granting to the colonies at the intercession of his Catholic majesty, a suspension of hostilities, adjust their differences, and treat them in this interval as independent states.

XXIII. It must appear incredible, after having considered the preceding articles, that the court of London should refuse to accept of the propositions of the ultimatum of that of Madrid, although with some explanations that it might think necessary: but that court not only rejected them, in its answer given the 4th May, after vari-

ous pretexts for delay, but put forth indirect and strained interpretations of the proposals that were then made, having the effrontery to say, "that the drift of Spain was to form from the pretensions of the colonies to independence, one common cause with them and with France:"—The British cabinet concluding with saying, "that if the conditions which the court of Versailles had communicated to his Catholic majesty, did not present a better aspect than this for the treaty, or did not offer less imperious and unequal terms, the king of Great Britain would only have to lament, that he found the hopes frustrated which he had always conceived, of the happy restoration of peace, as well for his subjects as the world in general." If this is not a want of respect to the mediating king, a real provocation, and evident in consequence, it will be difficult to find expressions more adapted for it. Neither did his Catholic majesty make a common cause with France and the colonies in his last proposals, nor were they made to France, to whom they were not, nor could not for want of time, be communicated before they were transmitted to the court of London, so that the whole apparatus of those haughty expressions of the English ministry amount merely to say, that in spite of the overture made by themselves on the 16th March, they preferred war to peace, or treating with the fore-mentioned mediator, whom they provokingly insulted, treating him as partially leagued with the enemies of Great Britain, imperious and inconsistent.

In aggravation to all the foregoing, at the same time the British cabinet answered the king of Spain in the terms already mentioned, they were insinuating themselves at the court of France, by means of secret emissaries, and making very great offers to her to abandon the colonies, and make peace with England. But there is yet more; at the very same time the English ministry were treating by means of another certain emissary with Dr. Franklin,



minister plenipotentiary from the colonies residing at Paris, to whom they made various proposals to disunite them from France; and to accommodate matters with England, on conditions almost identically the same as those which they had rejected or spurned at as coming from his Catholic majesty, but in fact with offers much more favourable to the said colonies. The said treaty went so far as to be extended in formed articles, with various explanations; and was carried on under the authority of one of the principal English ministers. Of all this and much more, it would be easy to inform the public by true and formal copies, if it were necessary, or that this implacable enemy hereafter obliges it to be done, and who has always been treated by Spain with the greatest moderation.

XXIV. The true intentions of the court of London being clearly discovered, the Catholic king could not longer withhold the putting in full force the treaties concluded with France. From what has been observed in the preceding note, it evidently follows, that the whole of the English policy, was to disunite the two courts of Paris and Madrid, by means of the suggestions and offers she separately made to them; also to separate the colonies from their treaties and engagements entered into with France, induce them to arm against the house of Bourbon, or more probably to oppress them, when they found, from breaking their engagements, they stood alone, and without protectors or guarantees for the treaties they might enter into with the British ministry. This, therefore, is the net they laid for the American states, that is to say, to tempt them with flattering and very magnificent promises to come to an accommodation with them, exclusive of any intervention of Spain or France; that the British ministry might always remain the arbitrators of the fate of the said colonies, in the point of fulfilling any treaties or agreements they might make. But the Catholic king, faithful on the one part to the engagements which bind him to the most

Christian king, his nephew; just and upright on the other to his own subjects, whom he ought to protect and guard against so many insults; and finally, full of humanity and compassion for the Americans, and other individuals who suffer from the calamities of the present war, he is determined to pursue and prosecute it, and to make all the efforts in his power, until he can obtain a solid and permanent peace, with full and satisfactory securities that it shall be observed.

XXV. To attain, as before-mentioned, the much desired end of a secure peace, it is absolutely necessary to curtail and destroy the arbitrary proceedings and maxims of the English maritime power; to the attainment of which, all other maritime powers, and even all nations in general, are become much interested. The Catholic king, for his part, has done all he possibly could, that the insults founded in such proceedings and maxims should be put an end to, but this he has not been able to effect by amicable means. On the contrary, injuries have been repeatedly continued, as has been represented in the negotiation set on foot with England by the mediation of the said monarch. The court of London has become forgetful in these later times, that she should have adjusted and settled her differences with Spain according to the agreement. In the same month of May, in which this negotiation was put an end to, there came advices, of the violence committed by English ships and their crews, in the river St. John, and bay of Honduras, of which mention has been made in note the first, and it was known also with great probability, that the English cabinet had given anticipated orders for the invasion of the Philippine islands. From such deeds, as well as from the foregoing, the impartial and candid world will be enabled to do justice in this famous controversy, and decide whether the declaration presented by the marquis of Almadovar, on the 16th June last, is founded

in reason and truth; in the mean while, it should be observed that the court of London, on the 18th of said month, issued orders for commencing and committing hostilities, and making reprisals against Spain, who did not issue similar orders till after she had received advice thereof.

END OF VOL. VI.





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VOLUME THE SEVENTH.

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# APPENDIX:

CONTAINING

*STATE PAPERS AND AUTHORITIES,*

TO THE

SEVENTH VOLUME.

DECLARATION FROM THE EMPRESS OF RUSSIA TO  
THE COURTS OF LONDON, VERSAILLES, AND  
MADRID,

APRIL, 1780.

**T**HE empress of all the Russias has so fully manifested her sentiments of equity and moderation, and has given such evident proofs, during the course of the war that she supported against the Ottoman Porte, of the regard she has for the rights of neutrality, and the liberty of universal commerce, as all Europe can witness, that her conduct, as well as the principles of impartiality which she has displayed during the present war, justly inspired her with the fullest confidence that her subjects would peaceably enjoy the fruits of their industry, and the advantages belonging to a neutral nation. Experience has nevertheless proved the contrary. Neither the above-mentioned considerations, nor the regard to the rights of nations, have prevented the subjects of her Imperial majesty from being often molested in their navigation, and stopped in their operations, by those of the belligerent powers. These impediments to the liberty of trade in general, and to that of Russia in particular, are of a na-

ture to excite the attention of all neutral nations. The empress finds herself obliged therefore to set it free, by all the means compatible with her dignity and the well-being of her subjects; but before she puts this design into execution, and with a sincere intention to prevent any future infringements, she thought it but just to publish to all Europe the principles she means to follow, as the best adapted to prevent any misunderstanding, or any occurrences that may occasion it. Her Imperial majesty does it with the more confidence, as she finds these principles coincident with the primitive right of nations, to which every people may appeal, and which the belligerent powers cannot invalidate, without violating the laws of neutrality, and without disavowing the maxims they have adopted in their several treaties and public engagements. They are reducible to the following points:

I. That all neutral ships may freely navigate from port to port, and on the coasts of nations at war.

II. That the effects belonging to the subjects of the said warring powers shall be free in all neutral vessels, except contraband merchandize.

III. That the empress, as to the specification of the above-mentioned merchandize, adheres to what is mentioned in the 10th and 11th articles of her treaty of commerce with Great Britain, extending the terms of it to all the powers at war.

IV. That to determine what is meant by a blocked-up port, it is only to be understood of one which is so completely guarded by the ships of the power that attacks it, and which are stationed there, that it is dangerous to any vessel to enter it.

V. That these principles serve as a rule for proceedings and judgments upon the legality of prizes.

Her Imperial majesty, in publishing these particulars, does not hesitate to declare, that for maintaining them, and for protecting the honour of her flag, the security of



the trade and navigation of her subjects, she has equipped the greatest part of her maritime forces. This measure will not, however, influence the strict neutrality she does observe, and will observe, so long as she is not provoked and forced to break the bounds of moderation and perfect impartiality. It will be only in this extremity that her fleet have orders to go wherever honour, interest, and necessity may require.

In giving this solemn assurance with the usual openness of her character, the empress cannot do other than promise herself that the belligerent powers, convinced of the sentiments of justice and equity which animate her, will contribute towards the accomplishment of these salutary purposes, so manifestly tending to the good of all nations, and to the advantage even of those at war; in consequence of which her Imperial majesty will furnish her commanding officers with instructions conformable to the above-mentioned principles, founded upon the primitive laws of nations, and so often adopted in their conventions.

*Petersburg, April, A. D. 1780.*

#### ON THE RIGHTS OF THE NEUTRAL FLAG.

THE famous maritime code, originally framed and established by the free and flourishing commercial states bordering on the Mediterranean, styled *IL CONSOLATO DEL MARE*, subsisted in full force in Europe, or rather in the southern parts of Europe (for in the north its authority was never recognized) for the space of four hundred years, viz. from the end of the twelfth to that of the sixteenth century. From the last mentioned period it may be considered as gradually sinking into disrepute. And certainly

at the close of the eighteenth century, though the government of Great Britain affected in all its public declarations to speak of the ancient maritime law of Europe as of high and incontrovertible authority, it was rejected by almost all the European powers, as an impolitic, unjust, and exploded system. A concise view of historical facts, will shew upon what tender and questionable ground Great Britain stood, when in vindication of her violent and outrageous attack on the powers of the Baltic, in the spring of 1801, she maintained in high and haughty language, the unimpeachable sovereignty of this law, respecting which some English jurists have indeed expressed themselves as if it were of divine, rather than of human authority.

According to the fundamental principles of this constitution, an enemy's property found on board a neutral ship is liable to confiscation, and the right of search was supposed and allowed to be the necessary consequence or concomitant of the right of seizure.

It is remarkable, that queen Elizabeth was one of the first potentates who, in defiance of this law, reclaimed the rights of the neutral flag. In the year 1596, several English vessels, which had on board property belonging to some citizens of Antwerp, subjects of the king of Spain, were detained by the Dutch. But the queen insisted on restitution being made, and also reparation made for the insult\*.

It was England also, who concluded the first treaty in which the principle of the ancient code was formally and expressly departed from, viz. that with Portugal, in 1642. And since that period to the year 1780, according to an eminent writer on maritime jurisprudence, thirty-five commercial treaties have been concluded, on principles more or less favourable to neutral rights, while two only can be found during that interval framed upon the an-

\* Busch, p. 145.

cient and unqualified maxims established by the CONSOLATO DEL MARE\*.

In 1656, the admiralties of Amsterdam and Rotterdam made an order for their commanders "to show all honour of salutes to English men of war, and if they pretended to visit, to use them civilly, and suffer them to speak with the vessels under their convoy, and to see their contents and papers; but if they offered to visit they should oppose it." Towards the conclusion of the same year the admiralty of Amsterdam renewed their orders to their admiral, de Ruyter, to the same effect—"He is to cause all papers belonging to the merchantmen under his convoy to be exhibited and examined, but if more is attempted by force, he is to resist it." The states general indeed, affected to resent the presumption of these orders; but this did not prevent de Ruyter from acting upon them. Being met in the channel by some armed ships of England, then at war with Spain, which insisted upon search, on de Ruyter's declaring (which by the way was entirely false) that there was not any thing in the fleet that belonged to the king of Spain, they desisted, and parted good friends.

In the same year, a Dutch fleet of merchantmen under convoy, and bound for Spain, coming into Torbay, captain Pley, an English officer, sent his boats to search them. The Dutch commander at first absolutely refused. At length he consented to a slight search, but being farther pressed, he hoisted the red flag, fired a gun of defiance, and sailed away †.

During the war between the English and Dutch republics, queen Christina of Sweden published a declaration respecting convoys, in which she orders the convoying ships "if they meet a warlike fleet, to give them

\* Busch, p. 145.

† Croke's Remarks on Schlegel, p. 104-5.

reasonable satisfaction, but as for the rest, they shall by all possible ways decline that they or any of the convoy shall be searched."

About the commencement of the war of the revolution, Christian V. king of Denmark, published an *ordonnance*, A. D. 1688, prohibiting, in the most express terms, "any ships carrying the royal flag from suffering any foreign vessels to board, visit, or even to see the papers of any merchantmen under its protection; and if any foreign vessel should attempt such visitation by force, it is ordered that such attempt should be opposed to the utmost of their power." This appears to have been ever since regarded as a fundamental law of Denmark; and for the offence of yielding to a visitation of this nature, captain Schionning, the commander of a Danish frigate, in the American war, was cashiered by a court martial.

In the course of the war terminated by the treaty of Ryswick, the famous Puffendorf being consulted upon this momentous question by his friend Groningius, A. D. 1692, answered thus: "If the kings of the north can maintain their commerce with France, by having their merchant vessels escorted by ships of war, provided that there is nothing contraband on board, nobody will be found to find fault with them: the law of humanity and of equity not extending so far as to require that a nation should deprive itself of its profit in favour of another."

In the war of the succession, all the powers of christianity being either engaged as parties in the grand alliance, or hostilely disposed towards France, there was little scope for any complaint of the violation of neutral rights. But in the ensuing general war of 1740, the king of Prussia, Frederic, justly styled the Great, caused a most able and energetic memorial to be presented to the court of London, "in which," says M. Soblegel, "the



rights of neutral flags were for the first time completely discussed\*." And not being accustomed to rely upon the efficacy of words alone, he adopted the violent and unjustifiable measure of sequestrating the interest due to the subjects of Great Britain on the Silesia loan, as an indemnity for the mercantile damages sustained by Prussia. This memorial was answered in a manner equally able by the court of London: soon after which the sequestration was taken off; but the Prussian monarch was from this period regarded as the avowed protector of the rights of the neutral flag.

In the seven years war which quickly followed, the disputes, or rather the quarrels, which took place between England and Holland on the subject of neutral rights, were public and notorious. Scarcely could the united efforts of the father and the daughter prevent an open declaration of war. In the year 1762, when the Dutch captain Dedel, had repulsed by force the visit which an English frigate attempted to make on the merchant vessels which he convoyed, the states-general approved his conduct in every point, and maintained its legality in an *ordonnance* of the 20th September in the same year.

The unbounded depredations of the English cruizers during the next, or American war, were such as at length induced the empress of Russia, prompted, as there is reason to believe, by "the suggestions of the crowned philosopher of Sans Souci," to propose her grand project of the armed neutrality, which was carried into effect by the celebrated convention of Petersburg, A. D. 1780—all the great powers of Europe being either parties to that convention, or in a short time and in different modes, for the most part with eagerness, signifying their accession to the treaty, or expressing their perfect acquiescence in it.

In the war which ensued between Russia and Sweden,

\* Schlegel on the Visitation of Neutral Vessels, &c. p. 10.

the Swedish monarch Gustavus III., did indeed, with disgraceful inconsistency, suffer himself to be guided by a temporizing policy, and issued orders to the Swedish cruizers wholly incompatible with those principles of which he had so lately shewn himself the zealous defender. But the more magnanimous Catherine would not be deterred from the observance of them, even by the example of her enemy. The 13th article of her regulation for cruizers, given at Petersburg, December 31, 1787, expressly states, "that when neutral merchant ships are convoyed by a ship of war of their nation, the Russian ships of war ought not in any manner to address themselves to the merchant vessels, but only to the commander of the escort; and that if he declares that there is not on board any merchandize contraband in war, they ought to be content with this declaration, without requiring visitation."

In the same manner the states-general, on taking part in the American war, in their *ordonnance* of the 26th January, 1781, enjoined, "that in the case of meeting neutral vessels sailing under convoy, if the commanding officer declares that he is perfectly certain that the ships under convoy are not laden with articles contraband in war, credit shall be given to that declaration, and that in consequence no visit shall be required."

France has uniformly professed from the æra of 1780, to adhere to the same principles; and her flagrant deviations from them she has justified only on the ground of retaliation against England. The constituent assembly even proposed the abolition of letters of marque; but to this England would not accede. In the commencement of the ensuing war, the English ministry, to adopt the language of M. Schlegel, "entertained the idea of starving a great people, in order to make those who oppressed them renounce their ambitious projects."

In revenge for the system of famine, and exasperated by those odious declarations which proscribed the French

nation from European society, the governing powers of France, with equal impolicy and injustice, forbid neutrals all sort of commerce in objects of the growth or manufactures of England; and if any such were found on board, both ship and cargo were condemned to confiscation. These proceedings on both sides were in the highest degree barbarous and disgraceful; but in the midst of her difficulties and dangers, France never pretended to deny the abstract validity of those principles upon which the convention of St. Petersburg was founded, though compelled, as she alleged, by the urgency of circumstances, and the unheard-of mode in which war was waged against her by the government of Great Britain, to depart so widely from them in practice; as on the other hand, Russia did not, during the quarrel with France, deny that she formally waved the neutral principle, declaring "that all general principles should yield to the superior object of overthrowing REGICIDE REPUBLICANISM."

The great object of the quarrel between England and the Baltic powers, did not relate to the visitation on the high seas of merchant ships in general, but to the visitation of those which were placed under the protection of a convoy expressly appointed by the government of the country to which they respectively belonged. The right of visitation, in a general sense, is admitted by the theory of all writers, and the practice of all governments. Even Hubner, "the great champion of neutral privileges," as he has been styled \*, allows this without hesitation. "Nous ne nions pas," says this able writer, "que les nations belligérantes n'aient le droit de visiter convenablement les navires neutres en pleine mer, pour s'assurer de leur état. Ce droit est une suite nécessaire du véritable droit de la

\* Vide "Judgment pronounced in the high court of admiralty upon the Swedish convoy, by sir William Scott."

guerre, que l'on ne sauroit contester aux peuples qui la font. Pour ne pas confondre les amis avec les ennemis, il est essentiel que les nations belligérantes sachent sûrement si les navires que leurs vaisseaux de guerre ou armés en course rencontrent en pleine mer, appartiennent à ceux-ci, ou à ceux-la\*."

But it is contended that *all* the treaties which speak of visitation at sea, suppose that it has for its object merchant vessels *not convoyed*: and that among the great number of commercial treaties which have been concluded in modern times, not *ONE* makes mention of this right relatively to vessels escorted by ships of war. "The power which should put its hand to such a stipulation," says an able and spirited writer on maritime law, "would consent to its own shame: in granting to its subjects an escort for the protection of their commerce, it would leave them a prey to all the avarice of privateers; and to this baseness it would add that of making its own marine a silent witness of their insults. As the benefit of convoy is not granted, but to those who are proved and recognized to be perfectly regular, it would acknowledge either its incompetence relatively to its own subjects, or what would be more disgraceful still, that it does not merit any confidence in its public conduct †."

The English jurists themselves have not ventured to contend, that this point of right is by the law of nations clearly and indisputably determinable in their favour; but have recourse to logical deductions and inferences. "The belligerent," says a late writer on the subject, "cannot be obliged without his own consent to abide by any particular mode of satisfaction. *If* the law of nations prescribes a search, it *must* mean an effectual search. *If* the cruizer was confined to any one mere formal examination, the object of the search would be completely de-

\* Hubner, vol. i. Part I. ch. viii.

† Schlegel, p. 71-2.



feated whenever those formal proofs were falsified. The governors of a country may lend their aid to a fraud; and, *if* this pretension is admitted, the petty republics of Ragusa, or St. Marino, might cover any collusion by the sanction of their respective flags\*.

Sir William Scott, judge of the high court of admiralty, in pronouncing sentence of condemnation in the famous cause of the Swedish ship *Maria*, speaks of the question upon which the court had to determine, not as an easy, clear, and indubitable one, but as a question, “whose importance they very sensibly felt, and which he had therefore taken time to weigh fairly and maturely.” And at the conclusion of his speech, he mentions it as a question perfectly novel. “It is high time,” said this learned judge, “that the legal merit of such a pretension should be disposed of one way or other. It has been for some years past preparing in Europe. It is extremely fit that it should be brought to the test of a judicial decision.” And he declares, “that he had weighed with the most anxious care the several facts, and the learned arguments which had been applied to them.” He even intimates some degree of diffidence in the rectitude of the judgment itself, though he felt “an entire confidence in that of the considerations under which it had been formed;” which species of rectitude, has, however, nothing to do with the merits of the case. And M. Schlegel challenges him to allege “any treaty, any law, either of his own country, or foreign, which authorizes the visiting of vessels under convoy. It has not,” says he, “been more possible for him to cite among the great number of writers who have treated on this part of the law of nations, a single authority that justifies it †.” And is it to obtain the recognition of so odious, so problematic a right, such as a British judge pronouncing sentence in favour of the claims

\* Croke's Remarks, &c.

† Schlegel, p. 77.

of his own nation, in opposition to those of the rest of christendom, hesitates to declare perfectly clear and reasonable, that Great Britain can stand justified in the opinion of an impartial posterity, in sending fire and sword into the bosom of peaceful countries ; of countries which are disposed even to give every possible proof of friendship to Britain, but that of relinquishing what they have ever regarded, and insisted upon for ages, as their most invaluable as well as indubitable right and privilege ?

In the well known pamphlet published by the present earl of Liverpool, near half a century ago, " On the Conduct of the Government of Great Britain, in respect to Neutral Nations," he sets out with the acknowledgment, gently expressed indeed, " that the conduct of the British government in this respect, had not been *universally* approved, and that *some* neutral nations thought they had a right to carry in their vessels unmolested, the property of our adversaries. But will that nobleman venture to assert, that at the period of his publication, the conduct of the British government was approved by *any* state in Europe ; or that *any* neutral nation than existed, which did not think itself entitled to convey merchandize, not contraband of war, to any belligerent power ? The plain truth is, that Great Britain at that period no less than at the present time, advanced a claim universally denied, resisted, and condemned ; and force was in various instances repelled by force ; but it never entered into the imagination of Mr. Pitt, afterwards earl of Chatham, then minister, to send fleets to the north or to the south, to compel the renunciation of a claim which that great man well knew how practically to enforce without departing from the general system of moderation, and much less having recourse to measures of a complexion so horribly mischievous and murderous as those of his successor.

Next to the violence of searching vessels under convoy, the extension of the definition of " contraband of war"

to naval stores, appears to have given the highest offence to the nations of Europe. "That tar, pitch, and hemp, going to the enemy's use, are liable to be seized, as contraband in their own nature, cannot," says sir William Scott, "I conceive be doubted, under the MODERN LAW OF NATIONS, though formerly, when the hostilities of Europe were less naval than they have since become, they were of a disputeable nature." But by whose authority or consent was this important innovation in the law of nations made? Certainly the northern powers, of which these were the staple commodities, could never be parties concerned in an alteration so injurious to their interests, nor could ever mean to recognize the rectitude and validity of "the modern law of nations," or rather of that modern practice of a single nation arrogating to itself the prerogative of all.

In the curious and interesting account transmitted to us by a great man, the lord commissioner Whitlocke, of the commercial negotiation between England and Sweden, in the year 1656, in which he was chiefly concerned, we find the following passages:—"Feb. 17, Fiennes Strickland and I, proceeded in the treaty at the ambassador's house. We had long debates touching contraband goods, in which last was inserted by the council, hemp, pitch, tar, &c. The ambassador said, that if they would add copper and iron, it would take in all the commodities of his master's dominions."

"April 8th.—The commissioners went to the Swedish ambassador's house, where the articles of the projected treaty were read, conformably to the resolves of the council. The ambassador observed, that the specification of contraband goods, did contain in it pitch and tar, hemp, flax, and sails. These were the great commodities of his master's countries, and they were never yet in any treaty made with Sweden, allowed as contraband goods;—that in the treaty with the lord Whitlocke, at Upsal, it would

by no means be hearkened to, as he very well knew." The lord commissioner Whitlocke confirmed this by saying, "that at Upsal, when mention was made by him of those commodities to be contraband goods, both the old chancellor Oxenstierne, and his son, the now chancellor, would by no means debate on that point, saying, it was not to be mentioned."

Whitlocke, in the course of the conference, remarked, "that he had not found or heard of any law of nations which did define contraband goods: that the word *contraband* came of the old French word *ban*, which signifies an edict or proclamation, and contraband is as much as to say, *contra edictum vel proclamationem*, which is agreed upon by the nations concerned." The lord Fiennes said, that in our late wars with the Dutch, they did by public proclamation forbid the bringing of these and other commodities to England, and did seize upon them if they found any bringing hither. The ambassador said, that it was true that the Dutch did make such a proclamation, but that no nation did ever acknowledge the same to be binding, and that the Swedes did at that time, in spite of their proclamation, bring those commodities into England: and it would be hard now to restrain the people of Sweden from trading to Spain.

In a succeeding conference, Strickland again mentioning the prohibition of Holland: it was again answered on the part of the ambassador, "that such prohibition was never submitted to by any nation that could be strong enough to resist it."

"May 13.—We had a long debate with his excellency upon the former points. The ambassador said it was known to the lord Whitlocke, that in Finland it was their chief commodity, which if they should not vend yearly, the country could not subsist, and the inhabitants would think themselves undone." At the previous conference held at Whitehall, between Fiennes, Whitlocke, and



Thurloe, “Whitlocke did advise as a thing in his judgment most fit, not to send away the Swedish ambassador with any just cause of discontent to him and his master. Concerning pitch, and tar, and hemp, and flax, to be contraband goods during the war with Spain, the secretary held it reasonable; but Whitlocke differed from him therein. They were the great commodities of the kingdom of Sweden, and although the Swedes were forbidden to carry them, other nations would certainly supply Spain therewith.” Both Fiennes and Thurloe agreed in adopting a conciliatory policy; but the former, we are informed, was more inclinable to the particulars of satisfaction recommended by Whitlocke\*.

On reading this narrative, it is impossible not to be struck with the candour, good sense, and moderation, of the English negotiators, and particularly of the lord Whitlocke, so strongly contrasted by the lofty and arrogant pretensions of the statesmen and ministers of our own times. As to the alarming innovation made in the definition of the term *contraband*, to which sir William Scott gives the plausible appellation of “the modern law of nations,” it seems to have originated in the English courts of admiralty about half a century since, when the lords of appeal in this country, A. D. 1750, declared pitch and tar, the actual produce of Sweden, and seized on board a Swedish ship bound to a French port, to be contraband, and subject to confiscation, in what sir William Scott justly styles “the memorable case of the *Meds Good-Hielpë*.” So that when it suits the purpose of the English government, the ancient maritime law established for centuries in Europe, and upon all other occasions spoken of by the English publicists as sacred and inviolable, will, as it appears, admit of the most important modifications, without asking the consent or concurrence.

\* Whitlocke's Memorials, p. 610, &c.

of any other power; although at a subsequent period, the united authority of all the nations of christendom, Great Britain excepted, is held to be insufficient to abrogate, or even to alter this law. Such is the gross and glaring partiality with which this country has acted, and such the domineering spirit which, elated by prosperity, it has but too often displayed. It is indeed true, that upon what the learned judge, sir William Scott, calls “a principle of indulgence to the native products, and ordinary commerce of that country, viz. Sweden, those commodities have since been deemed subject only to the milder rights of pre-occupancy and pre-exemption.” But can it be a matter of wonder, that what is by Britain styled “indulgence,” should be regarded by the parties concerned as no indulgence at all; but, on the contrary, that the claim should be resisted as a novel and usurped exercise of power? Nor can they reasonably be expected without an effort, to renounce those rights which they have so long and uniformly insisted upon as essential to their interests, their welfare, and almost to their existence.

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MANIFESTO AGAINST HOLLAND,

DECEMBER 20, 1780.

GEORGE III.

THROUGH the whole course of our reign, our conduct towards the states-general of the United Provinces has been that of a sincere friend and faithful ally. Had they adhered to those wise principles which used to govern the republic, they must have shewn themselves equally solicitous to maintain the friendship which has so long subsisted between the two nations, and which is essential to the interests of both. From the prevalence of a faction devoted to France, and following the dictates of that

court, a very different policy has prevailed. The return made to our friendship for some time past, has been an open contempt of the most solemn engagements, and a repeated violation of public faith.

On the commencement of the defensive war in which we found ourselves engaged by the aggression of France, we shewed a tender regard for the interests of the states-general, and a desire for securing to their subjects every advantage of trade, consistent with the great and just principle of our own defence. Our ambassador was instructed to offer a friendly negotiation, to obviate every thing that might lead to a disagreeable rupture: to this offer, solemnly made by him to the States-general, the 2d of November, 1778, no attention was paid.

After the number of our enemies increased by the aggression of Spain, equally unprovoked with that of France, we found it necessary to call upon the States-general for the performance of their engagements. The 5th article of the perpetual defensive alliance between our crown and the States-general, concluded at Westminster, 3d March, 1678, besides the general engagements for succours, expressly stipulates, "that that party of the two allies that is not attacked, shall be obliged to break with the aggressor in two months after the party attacked shall require it." Yet two years have passed without a single assistance given to us, without a single syllable in answer to our repeated demands.

So totally regardless have the states been of their treaty with us, that they readily promised our enemies to observe a neutrality, in direct contradiction to those engagements; and whilst they have withheld from us the succours they were bound to furnish, every secret assistance has been given the enemy, and inland duties have been taken off for the sole purpose of facilitating the carriage of naval stores to France.

In direct and open violation of treaty, they suffered an

American pirate to remain several weeks in one of their ports ; and even permitted a part of his crew to mount guard in a fort in the Texel.

In the East Indies, the subjects of the States-general, in concert with France, have endeavoured to raise up enemies against us.

In the West Indies, particularly at St. Eustatius, every protection and assistance has been given to our rebellious subjects. Their privateers are openly received into the Dutch harbours, allowed to refit there, supplied with arms and ammunition, their crews recruited, their prizes brought in and sold, and all this in direct violation of as clear and solemn stipulations as can be made.

This conduct, so inconsistent with all good faith, so repugnant to the sense of the wisest part of the Dutch nation, is chiefly to be ascribed to the prevalence of the leading magistrates of Amsterdam, whose secret correspondence with our rebellious subjects, was suspected long before it was made known by the fortunate discovery of a treaty, the first article of which is—

“ There shall be a firm, inviolable, and universal peace and sincere friendship, between their high mightinesses the estates of the Seven United Provinces of Holland, and the United States of North America, and the subjects and people of the said parties ; and between the countries, islands, cities, and towns, situate under the jurisdiction of the said United States of Holland, and the said United States of America ; and the people and inhabitants thereof of every degree, without exception of persons or places.”

This treaty was signed in September, 1778, by the express order of the pensionary of Amsterdam, and the other principal magistrates of that city. They now not only avow the whole transaction, but glory in it ; and expressly say even to the States-general, that what they did, was what their indispensable duty required.

In the mean time, the States-general declined to give



any answer to the memorial presented by our ambassador ; and this refusal was aggravated by their proceeding upon other business, nay, upon the consideration of this very subject to internal purposes ; and while they found it impossible to approve the conduct of their subjects, they still industriously avoided to give us the satisfaction so manifestly due.

We had every right to expect that such a discovery would have roused them to a just indignation at the insult offered to us and to themselves, and that they would have been eager to give us full and ample satisfaction for the offence, and to inflict the severest punishment upon the offenders. The urgency of the business made an instant answer essential to the honour and safety of this country. The demand was accordingly pressed by our ambassador, in repeated conferences with the ministers, and in a second memorial. It was pressed with all the earnestness which could proceed from our ancient friendship, and the sense of recent injuries ; and the answer now given to a memorial on such a subject, delivered about five weeks ago, is, “ that the states have taken it *ad referendum*.” Such an answer, upon such an occasion, could only be dictated by the fixed purpose of hostility, meditated, and already resolved by the states, induced by the offensive councils of Amsterdam, thus to countenance the hostile aggression which the magistrates of that city have made in the name of the republic.

There is an end of the faith of all treaties with them, if Amsterdam may usurp the sovereign power, may violate those treaties with impunity, by pledging the states to engagements directly contrary, and leaguering the republic with the rebels of a sovereign to whom she is bound by the closest ties. An infraction of the law of nations by the meanest member of any country, gives the injured state a right to demand satisfaction and punishment ; how much more so, when the injury complained of

is a flagrant violation of public faith, committed by leading and predominant members in the state? Since, then, the satisfaction we have demanded is not given, we must, though most reluctantly, do ourselves that justice which we cannot otherwise obtain. We must consider the States-general as parties in the injury which they will not repair, as sharers in the aggression which they refuse to punish, and must act accordingly. We have therefore ordered our ambassador to withdraw from the Hague, and shall immediately pursue such vigorous measures as the occasion fully justifies, and our dignity, and the essential interests of our people require.

From a regard to the Dutch nation at large, we wish it were possible to direct those measures wholly against Amsterdam; but this cannot be, unless the States-general will immediately declare that Amsterdam shall upon this occasion receive no assistance from them, but be left to abide the consequences of its aggression.

Whilst Amsterdam is suffered to prevail in the general councils, and is backed by the strength of the states, it is impossible to resist the aggression of so considerable a part without contending with the whole. But we are too sensible of the common interests of both countries, not to remember in the midst of such a contest, that the only point to be aimed at by us is to raise a disposition in the councils of the republic to return to our ancient union, by giving us that satisfaction for the past, and security for the future, which we shall be as ready to receive as they can be to offer, and to the attainment of which we shall direct all our operations. We mean only to provide for our own security, by defeating the dangerous designs that have been formed against us. We shall ever be disposed to return to friendship with the States-general, when they sincerely revert to that system which the wisdom of their ancestors formed, and which has now been subverted by a power-

ful faction, conspiring with France against the true interests of the republic, no less than against those of Great Britain.

*St. James's, Dec. 20, 1780.*

PROTEST RELATIVE TO THE WAR AGAINST  
HOLLAND.

*A. D. 1781.*

*Die Jovis, 25<sup>o</sup> Januarii, 1781.*

It was moved that the motion for an address be postponed, in order that the house may take into consideration another motion “for an address to his majesty, that he would be graciously pleased to give orders that there be forthwith laid before this house, copies of all the treaties lately subsisting between Great Britain and the states of the Seven United Provinces, and also of the correspondence between his majesty’s ministers and his late ambassador at the Hague, and of all memorials, requisitions, manifestoes, answers, and other papers which have passed between the two courts, as far as they relate in any respect to the present rupture, or to any misunderstanding or complaints which have existed between the two nations, since the commencement of hostilities between Great Britain and the provinces of North America.”

Which being objected to, after long debate the question was put, whether to agree to the said motion?

It was resolved in the negative:

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On which the lords in the minority entered on the journals the following protest:

*Dissentient,*

I. Because we cannot consent to involve this and other

nations in all the horrors of war, but upon the clearest proofs both of justice and necessity ; and it would be peculiarly inconsistent with our public trust, without such evidence, to give a parliamentary sanction to a war against the ancient and natural allies of this nation.

It is on the justice of our cause, and on the absolute necessity of proceeding to such extremities, that we must be answerable to God and our consciences for a measure which necessarily plunges millions of innocent people in the utmost distress and misery. It is on this foundation alone, that we can with confidence pray for success, or hope for the protection of Providence. We conceive that a careful, and above all, an impartial examination of the correspondence between his majesty's ministers and his late ambassador at the Hague, and of all the memorials, complaints, requisitions, manifestoes, answers, and other papers, which have passed between the two courts, as far as they relate in any respect to the present rupture, is indispensable, to warrant parliament in pronouncing, whether the hostilities which his majesty has authorized his subjects to commence against those of the Seven United Provinces, are, or are not founded in justice, and consequently, before they can with propriety offer to his majesty any advice, or promise him any assistance in the present conjuncture.

The sudden attack which the ministers have advised his majesty to begin against the property of our neighbours, sailing in full confidence of peace, and of their alliance with this nation, made without allowing the usual time stipulated by treaties even between enemies, for securing the property of unsuspecting individuals in case of a sudden rupture, is a proceeding which, till explained, must appear unwarranted by the law of nations, and contrary to good faith ; nor can we, upon the bare recommendation of ministers, approve of such a conduct, or determine upon the nice construction of treaties, and



reciprocal obligations, without so much as hearing what our late allies and friends have on their side to allege.

But the influence of his majesty's ministers in parliament has been such, as to obtain not only the rejection of a motion which has been made for this necessary information, but also to induce this great council of the nation, on a matter deeply affecting their most important interests, to give a solemn opinion, without any knowledge of the facts on which they have pronounced with so blindfold a compliance with the will of the court.

II. Because, however sufficient the reason of justice ought to be, that of expediency may perhaps be more prevalent, and is not wanting on this occasion.

It has been the uniform and approved policy of our ablest statesmen for near a century, to form alliances, and to unite with the powers on the continent to resist the ambitious attempts of the house of Bourbon. The protestant republic of Holland, from the freedom of its constitution and sentiment, as well as from its religion, has ever been deemed a valuable support of the liberties of Europe. Twice have they been on the very verge of falling a sacrifice to France in this cause; and we can never believe that their old affection to Great Britain can have been alienated, much less, that a direct rupture with them can have become necessary on our part, without gross mismanagement in our councils. We cannot but form the most serious apprehensions, at seeing the three great protestant and free countries of Great Britain, North America, and Holland, so weakening each other by war, as to become an easy prey to the ancient enemy of them all, whenever she shall please to turn her arms against them.

We are not insensible of the distressful situation, with respect to the armed neutral powers, into which we have been led step by step, by the unfortunate American war; but as we are convinced that weak and wicked councils

have been the sole cause of that unhappy contest, so we are persuaded that honest and able ministers might have prevented this amongst some of its wretched consequences.

But whilst the same measures which have caused our unexampled calamities continue to be pursued and cherished; whilst a system of corruption prevails which must exclude both ability and integrity from our councils; whilst every interest of the state is sacrificed to its support, and every attempt at reformation rejected, our condition can change but from bad to worse.

It is not for us to pretend to foretel events which are in the hands of Providence; but if causes are suffered to produce their natural consequences, we cannot but apprehend, from the present conduct of our affairs, every danger to this country, both foreign and domestic, to which a nation can be exposed.

Richmond,  
Portland,  
Fitzwilliam,  
Harcourt,  
Ferrers,

Rockingham,  
Devonshire,  
Pembroke,  
Coventry.

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ANSWER OF THE STATES-GENERAL TO THE  
BRITISH MANIFESTO,

MARCH 10, 1781.

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EXTRACT.

THE answer of the States-general to the manifesto of Great Britain is too long and tedious to be inserted entire. The extracts which follow, are interesting and important, and contain the essence of the whole—what is omitted consisting chiefly of varied and diffusive details.

The manifesto commences with a strong complaint on the part of their high mightinesses, of an attack from a power, bound by ties founded on the basis of common interest, unsupported by the least appearance of right or equity. They profess that they had throughout adhered most strictly to the system of neutrality—and had even, at the instance of his Britannic majesty, made no difficulty to take such steps as had greatly circumscribed their own navigation—sending the most exact orders to the governors of their colonies, carefully to abstain from doing, in regard to the American flag, any thing from which can be justly inferred an acknowledgment of the independency of America. They then advert to the memorial presented against the governor of St. Eustatia, which they declare to have been couched in terms little consonant with the regard which sovereign powers owe to each other. The consequence of the deliberation which took place upon it, nevertheless, was the immediate recal of the said governor, whom their high mightinesses called to an account for his conduct, and who was not permitted to return to his residence till he had cleared himself of all the charges brought against him before a court of justice, a copy of whose proceedings was transmitted to the minister of his Britannic majesty.

They then go on to complain of the gross violations on the part of the court of London, of the treaties subsisting between the two countries. The ports of England, say they, were filled with Dutch vessels unjustly seized and detained, though not laden with any other merchandize than what the express tenor of the treaties had declared free and legal. They beheld those free cargoes obliged to submit to an arbitrary and despotic authority—the cabinet at St. James's knowing no other rule than an assumed right of temporary convenience.

It was in vain that their high mightinesses urged in the strongest manner possible, the treaty subsisting between

England and the republic. By this treaty the rights and liberties of the neutral flag are decisively and clearly stated. The subjects of Great Britain had fully enjoyed the advantages of this treaty, in the first, and only case wherein it pleased the court of London to remain neuter, whilst the republic was engaged in a war\*. Certainly then, in a reciprocal case, that court could not, without the greatest injustice, refuse the enjoyment of the same advantages to the republic. And as little right as his Britannic majesty had to withhold the advantageous effects of this treaty from their high mightinesses, he had as little foundation for attempting to make them quit the neutrality they had embraced, and to force them to plunge into a war, the cause of which related immediately to the rights and possessions of his Britannic majesty, lying beyond the limits of defensive treaties.

With respect to the offer which was made by his Britannic majesty, for opening an amicable conference, it will be sufficient to observe, that the sole object could only be this—to take into consideration the naval treaty spoken of above; that the construction of this treaty, conceived as it is in terms the most clear and express, could not be a subject of any doubt or equivocation; that it gives the neutral powers a free right of conveying to the belligerent powers, all kinds of naval stores; that the republic neither proposing any thing else to themselves, nor desiring any thing more of his Britannic majesty, than the quiet undisturbed enjoyment of rights stipulated in this treaty, a point so manifest and incontrovertibly equitable, could not perceive any reason or motive for a negotiation, or any other new convention.—As for the succours required—

\* The manifesto alludes to the war in which Holland, in common with Austria and Spain, was engaged against France, from the spring of 1674, when the treaty of commerce and navigation with England was concluded, to the autumn of 1678, when hostilities were terminated by the peace signed at Nimeguen.



the republic, it is true, had bound itself by treaties to aid and assist the kingdom of Great Britain, whenever that power should be attacked or threatened with an unjust war; the republic was moreover to declare war in such a case against the aggressor; but their high mightinesses never intended to give up that right which is the nature of a defensive alliance, and which cannot be disputed to the allied powers to examine first, and before they grant the required assistance, or take part in the war; the principles of the dissensions which have prevailed; the nature of the differences from which they sprang; as also to investigate and maturely weigh the reasons and motives which may enforce the *casus fœderis*, and which are to form the basis of the equity, and lawfulness of the war on the part of that confederate state, claiming the aforesaid assistance. There is not a treaty extant, by which their high mightinesses have foregone the independence of the states, or sacrificed their interests to those of Great Britain, so far as to deprive themselves of the right of so necessary and indispensable an examination, by taking such steps as might insinuate that they should be looked upon as compelled to submit to the pleasure of Great Britain, by granting the required assistance, even when the above court, being at variance with another power, thinks proper to prefer a war to an amicable accommodation, on well supported complaints.

The displeasure of his Britannic majesty, in regard to what has been done for Paul Jones, is equally groundless. Their high mightinesses had for many years before given general and positive orders for the admission into their ports, of all privateers and armed ships with their prizes; orders which have been observed and executed without the least exception. In this case their high mightinesses could not desist from such orders, in regard to an armed ship, which, provided with a commission from the American congress, was in the Texel, together with the frigates of a sovereign

power, without assuming the part of judges, and giving a decision in a matter which their high mightinesses were not obliged to take any cognizance of, and in which it seemed to them contrary to the interest of the republic to interfere.

As for what concerns the project of an eventual treaty of commerce with North America, framed by a member of the government of the province of Holland, without the sanction of any public authority, and the memorials presented on this subject by the chevalier Yorke, the matter happened as follows:—As soon as this ambassador had presented a memorial, dated November 10, 1780, their high mightinesses, without noticing the expressions, rather unbecoming between sovereigns, with which this memorial abounded, did not delay entering into the most serious deliberation on that matter; and by their resolution of the 27th of the same month, they did not hesitate to disclaim and disapprove publicly whatever had been done in this affair.

After this they had every reason to expect that his Britannic majesty would have acceded to this declaration, since he could not be ignorant that their high mightinesses have no jurisdiction over the respective provinces, and that it was to the states of Holland to whom, as being invested, as the states of the other provinces, with a sovereign and exclusive authority over their subjects, was to be submitted an affair which their high mightinesses had no reason to doubt, but the other states of the said provinces would regulate according to the exigency of the case, and conformably to the laws of the state, and the principles of equity. The eagerness with which the chevalier Yorke, by his second memorial, insisted on the punishment, could not of course but appear very strange to their high mightinesses—“that if he did not receive, the very same day, an answer to his memorial, in every respect satisfactory, he should find himself obliged to ac-

quaint his court thereof, by an extraordinary courier." Their high mightinesses, informed of this declaration, soon perceived its importance, as a manifestation of the measures already determined upon in the king's council ; and although, according to the established custom, such verbal declarations from foreign ministers admit of no deliberation, they nevertheless thought proper to set it aside on this occasion, and to desire their recorder to wait upon the chevalier, and inform him that his memorial had been taken *ad referendum*, by the deputies of the respective provinces, according to the received custom and constitution of government ; adding at the same time, what seemed designedly omitted in the manifesto, that they would endeavour to frame an answer to his memorial as soon as possible, and the constitution of government would permit. In consequence thereof, a few days after, the deputies of the province of Holland gave notice to the assembly of their high mightinesses, that the states of their province had *una voce* resolved to require the advice of their court of justice, in regard to the requisition of punishment, requesting the said court to give their opinion as soon as possible, foregoing all other affairs. Their high mightinesses did not fail to acquaint the chevalier Yorke with the above resolve ; but what was their surprise and astonishment, when they understood that the said ambassador, after having read his instructions, had sent a note to the recorder, wherein he called the above-said resolve illusive, and flatly refused to transmit it to his court ! This obliged their high mightinesses to send it to count Welderer, their minister at London, with orders to lay it immediately before the minister of his Britannic majesty ; but the refusal of the latter created an obstacle to the execution of those orders.

All the circumstances of this affair being thus exposed, the impartial public will be enabled to appreciate the principal motive, or rather pretence, to which his Britan-

nic majesty has had recourse, in order to give a scope to his designs against the republic. To this we may reduce the whole matter. His majesty was informed of a negotiation which would have taken place between a member of the government of one of the provinces and a representative of the American congress; which negotiation, intended to lay the plan of a treaty of commerce to be concluded between the republic and the said colonies *casu quo*, that is to say, that in case the independency of those colonies should be acknowledged by the crown of England, this negotiation, although conditional, and holding by a clause which depended on the anterior act of his majesty; this negotiation, which without the said act, or anterior declaration, could not have had the least effect, was so misconstrued by his majesty, and excited his displeasure to such a degree, that he thought proper to require from the states, a public disavowal and disapprobation, as well as a complete punishment and satisfaction. It was in consequence, and without the least delay, that their high mightinesses acceded to the first part of this requisition; but the punishment insisted upon was not within their power, and they could not assent to it without striking at the root of the fundamental constitution of the state. The states of the province of Holland were the only ones to which it pertained lawfully to take cognizance of it, and to provide thereto by the ordinary means, and the authority of the laws. This sovereign state adhering to the maxims which oblige them to respect the authority of the laws, and fully convinced that the maintaining that department in all the integrity and impartiality which are inseparable from it, is the firmest basis of the supreme power; that the sovereign state, obliged by what is held most sacred to defend and protect the rights and privileges of its subjects, could not forget itself so far, as to submit to the will of his Britannic majesty, by attempting to overturn those rights and privileges, and exceeding the



limits prescribed by the fundamental laws of its government: these laws required the intervention of the judicial department, and those were the means which the above states resolved to use, by requiring on this object the advice of the court of justice established in their province.

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 II. FAGEL.

From an attentive perusal and comparison of the two preceding manifestoes, it is incontrovertibly evident, that no war was ever declared upon slighter and less tenable grounds than this of Great Britain against Holland. Had the States-general themselves concluded a provisional treaty with America, to take place when the independency of the United States was acknowledged by England, and not till then; it is hard to say what or where would have been the harm of it. But when this was done by unauthorized individuals merely, and explicitly disavowed by the general government of Holland; when those individuals were moreover under actual prosecution, agreeably to the laws and usages of the country for their offence—to commence hostilities against the whole community for such an offence, must be acknowledged the height of violence, pride, and injustice. If while Corsica was in open revolt from, and had successfully resisted the tyranny of the Genoese, certain merchants of London had agreed with the municipalities of Bastia or Corte, upon the conditions of a commercial treaty, to be submitted to the respective governments of both countries when the independency of Corsica should be established; would this have justified a declaration of war on the part of Genoa against Great Britain? Would it even have justified a demand of punishment? And if such demand were made, to what species of punishment would these British merchants have been liable? Or does it make any difference in the moral

or political conclusions to be deduced, that Britain is strong and Genoa weak? Such a negotiation may perhaps be regarded in the light of an affront to the sovereign offended; but is a personal affront an adequate ground of war? The czar Peter the Great was insulted in the person of his ambassador, when count Matucof was publicly arrested in the streets of London; and he properly demanded reparation. It was found, however, upon an appeal to the judicial power, that no legal reparation could in conformity to the spirit of the English constitution be offered: and that great monarch being convinced of this, expressed his astonishment at the existence of a government so limited and restrained, but refused not to accept of such apology as the nature of the case admitted. What, in a word, was the amount of the injury sustained by England from the negotiation of M. Van-Berkel? NOTHING. But the *dignity of the king*, as the manifesto declares, had been insulted! To this phantom must so many myriads of lives be sacrificed? The war then rests at last upon the same basis with that declared by France against Holland in 1672, when the GLORY of Louis XIV. was the sole cause publicly alleged for that unprincipled and profligate infraction of the peace of Europe, and of all that is held most sacred in the established order of civilized society.



EXTRACTS FROM HOSSEIN KHAN'S HISTORY OF  
BENGAL.

A. D. 1784.

It has often been the subject of boast on the part of those who applaud the justice and rectitude of Mr. Hastings's administration in India, that no complaints of oppression have been transmitted from thence to England. But it is obvious to ask, what class of natives, however

exalted in rank or dignity, after the terrible catastrophe of the rajah Nundcomar, could in reason be expected to venture the consequences of standing forward as the public accusers of Mr. Hastings? To whom were they to apply for redress? Who would undertake to plead their cause? In what court would it be advisable for them to institute their suit? Have we not invaded the territories of an unoffending people, and broken down the barriers which nature herself seems to have erected as limits to our ambition, and as lessons to our avarice? We cannot indeed hear the execrations which we may have provoked, for oceans divide us from them. We cannot hear the cries of the nations that have been subjected to the dominion of our rapacity and oppression. The natives of India do not represent their wrongs by ambassadors. But we may read them in the very nature of man, and in those feelings which teach him to revolt at tyranny and usurpation in every climate and quarter of the globe.

Great stress has also been laid on the flattering circumstance, that the evidence of the English who have returned in succession from India, has been almost uniformly favourable to Mr. Hastings. But then it is necessary to recollect, that the English resident in India, live there without sympathy with the natives. “They have,” to adopt the energetic language of a celebrated writer,\* “no more social habits with the people, than if they still resided in England, nor indeed any species of intercourse, but that which is necessary to the making a sudden fortune with a view to a remote settlement. Animated with all the avarice of age, and all the impetuosity of youth, they roll in one after another, wave after wave, and there is nothing before the eyes of the natives, but an endless, hopeless prospect of new flights of birds of prey and pas-

\* Burke's speech on the India bill of 1783.

sage, with appetites continually renewing for a food that is continually wasting.”

“To no other purposes,” as Mr. Hastings himself, from the uniform experience of more than twenty years, assures the directors, in his dispatch of October, 1784, “than those of vengeance and corruption, will agents armed with authority exercise their powers.”—But by whom were these agents armed with this authority, and who suffered them to exercise their powers in such a manner, and to direct them to such purposes? Had they not acted during the far greater part of this period, under the immediate controul of Mr. Hastings himself; and did the governor-general himself ever in any instance shew the least disposition, in the first instance, to prevent this abominable abuse of their delegated authority, or in the second, to make the agents in question responsible for such gross and flagrant misconduct? On the contrary, all the oppression of India for a long series of years, may be traced to Mr. Hastings primarily, and principally as their grand source and head; and the “general result” of his government in that country was, not merely vengeance and corruption, but slaughter and devastation; and if Mr. Hastings claim for merits and services such as these a garland of laurel, it must be gathered from the enchanted forest of Armida, every leaf dropping blood.

The history of Seid Ghulam Hossein Khan, a person of great distinction in the court of Moorshedabad, which principally relates to the transactions which took place in Bengal and the adjoining provinces subsequent to the death of Ali Verdi Khan, a few copies only of which very curious and authentic work have been circulated in this country, contains many striking proofs of the intelligence and humanity of the author, who, considering the nature of his situation, speaks in terms of boldness and indignation, little to be expected of the direful effects resulting from the English system of government; and the



opinions of those who regard the administration of affairs in India for the last forty years, as founded in the most profligate political depravity, will receive a signal confirmation from the narrative of this good and virtuous mus-sulman.

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Of the character and government of the nabob Cossim Ali Khan, this historian expresses himself in the following manner :

“ Although the perpetual infidelities of the troops, as well as of the commanders and grandees of Bengal, had rendered him exceedingly suspicious, and ever prone to confiscations of property, confinement of persons, and effusion of blood, he had admirable qualities that balanced his bad ones. In unravelling the intricacies of affairs of government, and especially the knotty mysteries of finance ; in examining and determining private differences ; in establishing regular payments for his troops and household ; in honouring and rewarding men of merit, and men of learning ; in conducting his expenditure exactly between the extremes of parsimony and prodigality, and in knowing intuitively where he must spend freely, and where with moderation ; in all these qualifications he was an incomparable man indeed, and the most extraordinary prince of the age ; nor was any man daring enough in his court to touch a bribe, or to speak in behalf of an unjust pretension.”

“ At this period, nothing was more common than to see English agents of all colours and denominations—and they swarmed in every part of Bengal—take up the farm of a town, mart, village or district, hoist up the English flag on it of their own private authority, pay to the nawaub such a rent as they chose to part with, keep the rest to themselves, and act meanwhile as the most relent-

less rapacious tyrants, setting at defiance the nawaub's authority every where and in every instance."

"It was noon-day when the nawaub Cossim Ali Khan received intelligence of the English having seized the city of Azem-abad. In the middle of the night another letter came, that mentioned how the governor had recovered the city, with a great slaughter of the English. As soon as it was day-break, every one made haste to offer their congratulations. At the end of the public audience, the nawaub wrote circular letters throughout his dominions, by which he informed his officers of this event, and gave them notice of the rupture between him and the English, as well as of the proofs they had furnished of their hatred and enmity to him; commanding them at the same time to put those *perfidies* [to the sword wherever they should find them. It is uncertain whether he may have comprised in his order M. Amyatt himself, with all those of his retinue; or whether those that killed that ill-fated man, availed themselves of the general order which had reached the city of Moorshedabad."

\* \* \* \* \*

"Governor Vansittart would not permit Meer Jaffier to carry out of Calcutta Nundecomar, a man of an intriguing spirit, who bore the highest sway upon his mind. On his being returned to Moorshedabad, he worked himself into so much authority, that he undertook to demolish no less a man than Mahomed Reza Khan. In compliance with his will, the nawaub dismissed that nobleman from his office, and moreover had him brought prisoner to Moorshedabad. Luckily for him that Meer Jaffier fell sick at this very time, and became worse and worse. At last, on the 14th of Shaaban, in the year 1178 of the Hejira, he departed this life, and passed over the stream which divides the confines of this fragile world from the

regions of eternity. Some moments before his demise he had, as affirmed on Nundecomar's persuasion, ordered to be brought to him some water that had been poured in libation over the idol at Kyruf-Conah, a famous temple of the Gentoos, in the neighbourhood of Moorshedabad, and that some drops of it were poured down the dying man's throat; this being the last water which he tasted. Preserve us, O God! as well as all believers, from such a sickness, and such a death. Lord Clive dismissed Nundecomar from his office, with an injunction not to leave Calcutta."

\* \* \* \* \*

"After these arrangements, lord Clive journeyed to Illahabad, where he had the honour to pay his respects to the emperor, after which he visited the vizier, and having exchanged with him some sumptuous entertainments, and several curious and magnificent presents, he explained the project he had in his mind, and asked that the company should be invested with the dewannee of the three provinces of Bengal, Bahar, and Orissa, of which office he requested the proper patents from the vizier and the emperor. As both the emperor and the vizier were already, in their minds, subdued by the superior courage and prowess of the English, as well as overawed by the strength of mind and penetration of lord Clive, they were obliged to grant the request, although reluctantly. Having therefore ordered the *sunnuds* to be drawn up in the manner that had been desired, they delivered them into the hands of lord Clive. Thus a business of such magnitude was done and finished in less time than would have been taken up for the sale of a head of cattle. The lord having accomplished his purpose, returned to the seat of his command."

But if lord Clive was, in the judgment of the good Hossein Khan, chargeable with acts of despotism and injustice, the state of the country, according to his representation, became infinitely worse under the government of his successors, and of Mr. Hastings, “the saviour of India,” more particularly.

“Matters,” says this historian, “have come to such a pass, that the books and memoirs composed by the English upon interested reports, have come to be trusted as so many vouchers; whereas they convey only some faint idea of the exterior and bark, but not of the pith or real reason of the ancient institutions. Meanwhile, as these strangers are men of penetration, and extreme keenness of mind, and they have been sent by God Almighty to chastise this guilty race of Hindostanees, so they are come at last to make no account of the natives, from the highest to the lowest.”

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“The governor (*i. e.* Hastings) in the month of the first Rabi of the year 1186, came to Moorshedabad, where he spent two months and a half in putting in order the affairs of the country. He reduced the nawaubs’ allowance to sixteen lacks, so that those ill-fated men, and especially the Moorshedabad pensioners, who in these hard times, not having a single resource under the canopy of the Hindostanee heaven, are reduced to such miseries as God relieve mankind from.

“Men’s minds were engrossed by the dissentions in the council, and by the fate of governor Hushtin (*i. e.* Hastings). This man has been endowed by nature with a keen penetrating genius, and a superior intelligence, and his wisdom in matters of state and politics has not been equalled by any one. Mahomed Reza Khan, who has a great



deal of hastiness as well as inconstancy in his disposition, no sooner observed the prevalence of general Clavering's party, than he conceived a desire of joining him, and opened a correspondence with the general and his adherents. Such a step could not but displease the governor, who however said nothing\*.

“Meanwhile the general recommended him to the offices of deputy of the nizamut, and also to the general fodjdary, or criminal judiciary. Mahomed Reza Khan set out on the 15th Ramazan, 1189, and arrived the 2d Shevval at Moorshedabad, where he applied himself closely to the business of his office; and the inhabitants of that great city, accustomed to him long ago, shewed themselves submissive to his authority. He on his side, pleased with a return of good fortune, took care to display broad open the standard of authority and command.”

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“From the death of general Clavering there accrued to the governor an accession of power. Mahomed Reza Khan was dismissed from his two offices of principal magistrate, and deputy to the nawaub. Sadi-El-Hoc-Khan was appointed to succeed him, although the governor himself must have been sensible that so much business was by all means above the old man's capacity and strength. Nevertheless, as he had proved himself an assiduous worshipper at the altar of his power, and as great men are apt to prefer a personal attachment to a public qualification, the governor devised these two offices

\* This is probably the true key to Mr. Hastings's conduct respecting Mahomed Reza Khan, whose eagerness to join the party of general Clavering, may easily be accounted for on motives much more honourable to that distinguished mussulman than the inconstancy of his disposition, and at least as likely to be true.

for him, as a reward for his attachment, although they seemed to be so much above his desert.”

\* \* \* \* \*

“ As hatred to the Afghan name was hereditary in the vizier’s family, he undertook to put an end to the Rohilla dominion. Full of these ideas, he applied to governor Hushtin for his consent to that expedition, and promised a sum of money to the English for their assisting him vigorously. The government had no orders from the company to send troops out of the English dominions for the purpose of making conquests; but Suja Dowla prepared himself for a war with a promise of being supported. The Rohilla princes, young, ignorant and proud, preferred war to a payment. The time appointed by the Omnipotent Avenger was come. Sujah Dowla, informed of their obstinacy, put himself at the head of his victorious troops, and marched into their country.

“ The engagement commenced by the artillery of the English. The Rohillas were soon thrown into a complete disorder, and fled in crowds towards the fields, but in reality to the regions of eternity. Hafiz Rhamet, without being dismayed by the slaughter which surrounded him, stood his ground with a firmness and intrepidity that did him honour. He was followed every where by a number of faithful men, all resolving to shed their blood in his company; and he was seen wherever the danger called for his presence, until at last a ball of cannon came, pierced his heroic breast through and through, and parted his soul from his body.

“ Sujah Dowla, after this signal victory, being become master of the country, spread his victorious troops far and near, with orders to put to the sword all that should appear in arms or did not submit.”

“Although, according to the scriptural sentence, the moment of death is not to be advanced or retarded by a single instant, and a delay is undoubtedly beyond the reach of human power; nevertheless, as the Divine Goodness, instead of bringing forth the events of this world by abrupt transitions, hath vouchsafed to make them grow one out of another by a concatenation of second causes, some of which remain concealed, while others become open to view; these last are often attended to and observed by men of sense, who discover in the planning of them tokens of an attentive wisdom.”

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“It is in consequence of such and the like divisions (alluding to the factions in the court of Poonah) that most of the strong-holds, nay almost the whole of Hindostan, have come into the possession of the English. He, (*i. e.* Mr. Hastings), knew that this prince, Ragonaut Row, being himself a man of importance, and the son of a man of importance in that nation, there was no doubt but some great men would join him of themselves, and that some others would easily be brought to do the same, whether by persuasion or force; and as the English, led by a destiny which designed to make use of that nation for punishing a wicked thoughtless race of men, unmindful of their God, had so successfully fought battles, made such amazing conquests, and with a deal of ease pushed their victories as far as almost within sight of Shah-jehanhabad, the capital of Hindostan, so the governor thought the war in the Decan would prove full as easy; and that after beating and dispersing the Mahratta armies, it would prove an easy task to reduce Haider Naic (*i. e.* Hyder Ali) to straits, after which operation he might, without any anxiety from the French, or other European powers,

and without much hindrance from the princes of India, bring in a certain number of years, and with proper management, all Hindostan into submission, and then sit down in ease and content to enjoy his prosperity.

“ It was reported that this scheme of the governor’s not having met with Mr. Francis’ and Mr. Wheeler’s approbation, two members of the committee (*i. e.* the council), they contended that they ought to remain satisfied with so much dominion as they had already acquired, without stretching their feet out of their frontiers; and it may be that such likewise were the orders from the council of Europe, and such the safest party; but the governor disapproving of such timid opinions, took upon himself singly all the risques of this business, and set out in earnest with this war.

“ Now that the whole council is reduced to the governor’s own person, and to that of Mr. Wheeler, he is become sole master of binding and unbinding, of appointing and dismissing in every department, without either controul or dispute. Time only can shew in what manner shall end these dissentions, as well as these troubles which are just commencing; and time alone shall determine what completion his schemes are likely to have. Then shall we know something of what is to become of the poor injured people of this land, who now have no other friend and no other comforter than God Almighty.”

“ The princes of Hindostan lived amongst their people, and amongst their nobles, as kind and condescending parents amongst their children; nor did they suffer the dust of sorrow to darken the hearts of any of the people of God, by a shew of tenderness to one part of the people; and of rudeness to the other: for they looked upon them all with an equal eye, so that for several ages together, down to the times of Shah Jehan, every thing in Hindostan was quietness, love, and harmony. It is only since the times of



Aoreng-Sib-Aalem-Ghir, his son, a prince extremely warlike and ambitious, that evils have crept upon the land. Matters grew worse in the reign of Ferok-Syur.

“ Amidst the strange events which these revolutions have brought about, the introduction of European foreigners in the heart of the land is an important one. The wise men of Europe have been casting their eyes upon the conquest of India, and have contrived to achieve great part of that conquest, having already acquired an absolute dominion in several tracts. But such is the complete difference, and the total dissimilarity betwixt the manners of their own country and the customs and usages of Hindostan, that all the endeavours of their chief rulers, and all the resorts they have put in motion, have answered no purpose at all ; nor has the face of regulation, in the country, and of ease to the inhabitants, made its appearance yet. But over and above these considerations, it may be said with great truth, that such is the aversion which the English openly shew for the company of the natives, and such the disdain which they betray for them, that no love and no coalition can take root between the conquerors and the conquered.

“ Perhaps it is the peculiar fate of the people of this land, that after having been subjected by Providence to the yoke of these strangers, they are still destined to find them such inattentive rulers, as do not think it worth their while to mind the welfare of those prostrated at their feet ; and such supreme masters as to make nothing of leaving them at the disposal of their own servants and substitutes : although nothing should be so important to the sovereign as the care of the subject, and he ought never to loose sight of the Indian adage,

“ Do not refer his complaint to your Divan,  
Since his complaint is probably against that very Divan.”

The English are a race of men who are keen-sighted,

and full of policy and secrecy ; but none so much as the governor himself, whose breast is a casket full of inaccessible secrets; and a repository of impenetrable views and projects. Who is the man that can make him speak against his mind ?”

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The conclusion of this history, excellent as it is throughout, does the writer peculiar credit ; and it affords a striking proof how indelibly the same immutable sentiments of justice and rectitude are engraven on the hearts of the truly virtuous and benevolent, under every variety and modification of religion, country, and climate. No diversity of names or of sects, can obliterate the grand and eternal distinction between the friends and the foes of humanity.

“ When ordinances,” says this oriental historian and philosopher, “ affect only the impotent, without having any energy over the headstrong and refractory, they cease to be laws, and they dishonour all government. After all it must be remembered, that as princes and kings are reputed the shadows of God, they ought in humble imitation of his divine attributes, to accommodate themselves to the dispositions and minds of their subjects, so as to carry an equal hand over them without exception, without predilection, and without shewing a dislike or hatred to any species of men. Such impartiality is incumbent upon princes, if they intend to be the fathers and cherishers of the people entrusted to their care ; and if they really wish that every man should look up to the monarch as to his benevolent forgiving father. This is a duty incumbent upon them, if they wish that every one should think himself happy under their government ; for the subject must be cherished in the very palm of the monarch’s hand, if the monarch really intends to discharge his duty, and to

let the world see that he feels all the meaning of these verses of Saadis :

That beneficent Being, which from its invisible treasury  
 Feeds with an equal hand the believer,  
 The unbeliever, the weak, and the strong,  
 Might, if it had so pleased him, have created men of one opinion,  
 Or have converted them at one word  
 'To one and the same religion.

“ If then conversion is intended, lenity and benevolence, especially to the poor and impotent, will go a great way in reconciling the hearts of mankind. Let then kings and monarchs look day and night into the book containing the actions and sayings of the prince of prophets and chief of messengers. Let them admire with what sweetness and forbearance that noble Being used the unbelievers of his time, his personal enemies ; and how he opened the recesses of those stubborn understandings with the key of his goodness and liberality. He gained their hearts at last so far as to convert them into so many friends. Never take your own self for the standard to which virtue can rise in a virtuous heart.”

END OF VOL. VII.





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VOLUME THE EIGHTH.

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JOHN THE MIGHTY

# APPENDIX:

CONTAINING

*STATE PAPERS AND AUTHORITIES,*

TO THE

EIGHTH VOLUME.

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LETTER FROM THE EMPRESS OF ALL THE RUSSIAS  
TO HIS PRUSSIAN MAJESTY:

*A. D. 1784.*

**M**Y advantageous sentiments respecting the house of Prussia—sentiments of which I have given efficacious proofs—permit me to hope for the same on their part. I expect it the more, as I have ever been convinced of their reciprocal affection. The war which is preparing between the emperor of the Romans and the Hollanders, excites the immediate attention of the cabinet of Berlin, of which the Dutch endeavour by all sorts of intrigues to secure the accession. Your wisdom acknowledges that the pretensions of the emperor are equally just and moderate. Nature herself hath granted to the Austrian low countries, the use and advantage of the river in dispute: Austria alone, by virtue of the law of nature and of nations, is entitled to an exclusive right to the use of the river in question. So that the equity and disinterestedness of Joseph II. only can impart this right to other people, it belonging exclusively to his states. The sentiments of Austria merit esteem and attention; but the avidity of the Dutch, and

the judgment which they permit themselves to assume on account of the treaty of Munster, over the house of Austria, are notorious and blameable in every respect. Nothing can be urged with foundation in favour of Holland, therefore she merits not the assistance of any foreign power. The consequences which these republicans are drawing upon themselves by their obstinacy, must be submitted to the moderation of the emperor alone. I am firmly resolved to assist his pretensions with all my land and sea forces, with as much efficacy, as if the welfare of my own empire was in agitation. I hope that this declaration of my sentiments will meet with the success which our reciprocal friendship deserves, and which hath never been interrupted\*.

CATHERINE.

DECLARATION OF THE KING OF PRUSSIA TO THE  
COURT OF LONDON, RESPECTING BAVARIA.

A. D. 1785.

THE king believed he had every reason to expect that the court of Vienna had given up all thoughts of an exchange of Bavaria, or an acquisition thereof in any other manner, after such an acquisition had been proved to the said court to be inadmissible in the conferences held at

\* Strongly as the empress of Russia was no doubt at this period, inclined to cultivate a good correspondence with the emperor of Germany, of which the preceding declaration is a striking proof, she was far from discovering any degree of zeal in promoting his views upon Bavaria, an object of incomparably greater consequence than the free navigation of the Scheld. She did indeed write to the duke of Deux-ponts, to propose to him in the name of the emperor, and to recommend to him in her own name, the invidious exchange of that territory for the Austrian Netherlands; but upon the peremptory refusal of that prince to acquiesce in the project, and on receiving a strong remonstrance from the court of Berlin against it, she protested that she had no intention to enforce the execution of the design; and that she had dropped all farther concern in the business.—*Vie de Catherine II.* vol. iii. p. 165.



Braunau, in the month of September, 1778; after the said court had renounced all its pretensions on Bavaria, by the peace of Teschen, and had become itself, together with the other contracting and mediating powers of that peace, guarantee of the covenants of the house Palatine, whereby that house is not allowed any alienation, or as it is expressed, "any exchange of its possessions." His majesty, however, having been apprized in the month of January of the present year, by the duke of Deux-ponts, that the court of Vienna had, notwithstanding these important considerations, proposed to that prince an exchange of the whole of Bavaria, together with the upper county Palatine, and the duchies of Neuburg and Sulzbach, for a part of the Austrian Netherlands; his majesty was anxious to communicate his uneasiness on that account to the empress of Russia, as guarantee of the peace of Teschen. The answer which her Imperial majesty gave to the king, through her minister, prince Dolgoroucki, "that after the refusal of the duke of Deux-ponts, there was no more thought about such an exchange," might have been a sufficient assurance to the king, if his majesty could have been equally secure with respect to the intentions of the court of Vienna. But that court has too evidently shewn by the steps taken in the course of the present year, as well as by the system it has at all times pursued, that it cannot bring itself to an entire renunciation of the project of making sooner or later an acquisition of Bavaria.

The said court, after having in its first circular declaration, disseminated the existence of this project, assures indeed in the latter, an intimation of the declaration of the court of Russia, that it never entertained, nor ever should entertain, the least thought of a violent or forced exchange of Bavaria. But this distinction between forced and voluntary, shews evidently that the court of Vienna still entertains an idea of the possibility of a barter of Ba-

varia. This conjecture, already strong enough in itself, is too well confirmed by the assertion of the court of Vienna, "that by virtue of the peace of Baden, the house Palatine has full liberty to exchange its possessions." It is true, the eighteenth article of the peace of Baden says, "that in case the house of Bavaria finds it convenient to make some exchange of its possessions in return for others, his most Christian majesty promises not to oppose the same." It follows clearly, however, from this very article, that the contracting parties did not mean thereby to allow to the house of Bavaria any thing farther than a partial exchange of some district or piece of country suitable to its interest: but it certainly was not, nor could it be understood at that time, to allow a total exchange of a large electorate and fief of the empire (which being under the disposition of the golden bull, was not at all liable to an alteration of this nature), which would have too nearly affected and overturned the essential constitution of the electoral college, and even the integrity of the whole confederate system of the empire. Admitting even, that by the peace of Baden, the house of Bavaria was allowed to make a partial exchange suitable to its interest, of some part of its possessions, this power has since been abrogated by the eighth article of the peace of Teschen, and by the separate act concluded at the same time between the elector Palatine and the duke of Deux-ponts; because the covenants of the house Palatine, of the years 1766, 1771, and 1774, are therein renewed, whereby all the possessions of the house of Bavaria Palatine, are charged with a perpetual and inalienable fideicomis.

The ancient pragmatic sanction of that house, concluded at Pavia in the year 1329, is likewise referred to therein, whereby that whole illustrious house has bound itself never to exchange, nor otherwise alienate, the least part of its possessions. Now as the peace of Teschen, together with all its separate acts, is under the guarantee of the king and

the elector of Saxony, as principal contracting parties of that peace; likewise under the guarantee of the two mediating powers, the courts of Russia and France, and the whole empire; it follows therefore, that no exchange of Bavaria whatever can any more take place, without the consent and concurrence of the powers just mentioned; and especially not without the intervention of the king and all his co-estates of the empire, whose essential interest it is, that this great and important duchy of Bavaria should remain with the house Palatine: because it must be striking to every body, that independent of the geographical and political disproportion between the Austrian Netherlands and the whole of Bavaria, the transferring of so large and fine a country to the house of Austria, and thereby rounding, as it were, the Austrian monarchy, which already preponderates too much, would take away all balance of power in Germany; and the security as well as the liberty of all the states of the empire, would only depend upon the discretion of the house of Austria. It seems that this great and powerful house ought to be contented with its vast monarchy, and not to think any more of an acquisition so alarming not only to Germany, but likewise to all Europe.

It should likewise remember, that in the barrier treaty of 1715, it has promised to the maritime powers, never to alienate any part of the Netherlands to any prince, but of its own house; a stipulation which cannot be set aside without the consent of the contracting parties. The king cannot therefore but be persuaded by all that has been advanced, that the court of Vienna will not very soon, or perhaps never, give up the project of making sooner or later an acquisition of Bavaria by some means or other; and that according to the principles manifested still in its latter circular declaration, it reserves to itself yet the possibility and power thereof. His majesty thought he could not in this case do less for his own security, as well as for

that of the whole empire, than to propose to his co-estates to enter into an association, conformable to all the fundamental constitutions of the empire, viz. the peace of Westphalia, and the capitulations of the emperors; and founded upon the example of all centuries, tending only to preserve the present and legal constitution of the empire, to maintain every member thereof in the free and tranquil enjoyment of his rights, states, and possessions, and to oppose every arbitrary and illegal enterprise, contrary to the system of the empire. His majesty having met with the same sentiments in the most serene electors of Saxony, and of Brunswick Lunenburg, has just now concluded and signed a treaty of union with them; which treaty is not offensive against any person, nor any way derogatory to the dignity, rights, and prerogatives of his majesty the emperor of the Romans, and which has absolutely nothing for its object, but to maintain the constitutional system of the empire, and the objects just mentioned: and which therefore cannot give the least uneasiness to the court of Vienna, if that court has the same views and intention for the preservation of the said system, as there is reason to expect, and as is indeed expected, from the greatness of soul and loyalty of the head of the empire. It cannot be doubted, that the king as an elector and prince of the empire, and as one of the contracting parties, and guarantee of the peace of Westphalia and Teschen, has an incontestible right to conclude with his co-estates of the empire such a constitutional and inoffensive treaty.

The king having engaged in a war to prevent the exchange of all farther dismemberment of Bavaria, which war was put an end to by the peace of Teschen, his majesty has hereby acquired a right, and a particular and permanent interest, to oppose any exchange of Bavaria, present and future; and in doing this by such measures as are conformable to the laws of nations, and to those of the German empire, his majesty only fulfils his obligations



and rights, without provoking the dissatisfaction or reproach of the court of Vienna, and without giving any just cause to attribute to him any offensive views or steps against that court. The king could not therefore but be in some measure affected and surprisèd, when informed that the court of Vienna exclaimed against this union, in its declarations publicly addressed to all the courts of Europe and of the empire, endeavouring even to give to the said treaty an odious colour.

His majesty believes not to have given the least cause for such a proceeding; but rather to have merited more justice for his open, patriotic, and disinterested conduct, as well before as after the peace of Teschen, in what regards Bavaria and the house Palatine. His majesty will not imitate the manner adopted in the said declaration. He will take special care not to recriminate. He will satisfy himself with appealing to the testimony of the electors and princes of the empire, who will attest, that without any suggestion or accusation whatever, he has confined himself to evince to them the inadmissibility and danger of any exchange of Bavaria, and to propose to them to enter into such a constitutional treaty as may be laid before the whole world.

To remove every doubt about the purity of the intentions of the king, and the justice of the steps he has taken, his majesty thinks it his duty to make the conclusion of this treaty, and the motives which occasioned it, known to the principal powers of Europe, who are any ways concerned about the welfare of the German empire, and the preservation of its system. The king has done this by the present declaration, which he would not fail to communicate likewise to his Britannic majesty, as a mark of his confidence and attention, and of his desire to secure himself the suffrage of his Britannic majesty, though he, as elector of Brunswick Lauenburg, has himself already concurred in the conclusion of the treaty, and has thereby given indubitable proof how much his sentiments coincide

with those of the king, about the necessity of the said treaty, and the objects which gave occasion to it.

The king is particularly happy to have added these new ties to the friendship and intimacy which has already for so long a time subsisted between the two royal houses, and to entertain with his Britannic majesty the same sentiments for the welfare of the German empire, as their common country, and for the support of a system which has an essential influence upon the happiness of the rest of Europe.

*Berlin, Aug. 23, 1785.*

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ANSWER DELIVERED BY THE MARQUIS OF CARMARTHEN TO COUNT LUSI,  
IN CONSEQUENCE OF THE PRECEDING COMMUNICATION.

THE king has received with pleasure the communication which count Lusi has made by order of his Prussian majesty to lord Carmarthen, of the sentiments of his said majesty, respecting the treaty signed at Berlin the 23d July, in the concluding of which the king himself, in his electoral capacity, was pleased to concur.

The lively interest which his Prussian majesty never ceases to take for the maintenance of the Germanic constitution, and the preservation of the rights of every member of the empire, cannot but deserve the greatest praise from those powers who are true friends to the prosperity and well-being of that respectable confederation. And at the same time that the court of London is eager to render this justice to the patriotic views of his Prussian majesty, it flatters itself that the measures of precaution which the three electoral courts have thought proper to take, may never become necessary by any attack either direct or indirect upon the acknowledged rights of the Germanic body ;

but that for the future the most solid harmony may be re-established, and the most sincere confidence for ever subsist, between the august chief and the illustrious members of the empire.

*St. James's, Sept. 9th, 1785.*

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The above declaration or memorial of the king of Prussia is very masterly, and exhibits a frankness and candour rarely to be found in documents of state. The arguments of the monarch, as applied to the balance of power in Germany, are indeed irrefragable; but what interest could England have to prevent the house of Austria from acquiring that political ascendancy in the empire which the accession of Bavaria would so much facilitate? A just policy may undoubtedly be carried to extravagant lengths, or may be prosecuted by absurd methods: but as the power of France alone can be formidable to England, it is evidently right and proper to embrace all fair and feasible means of effecting a diminution of it; or, when that cannot be done, of maintaining and supporting the rivalry of the house of Austria, as the only power of the continent which can sustain a permanent competition with France. It follows, that Great Britain, in fostering the growth and greatness of Prussia, and raising up a dangerous enemy to the Imperial family in the bosom of the empire, has been chargeable with a fundamental error in politics. And in the present instance, had the court of London, in conjunction with that of Petersburg, countenanced the views of the court of Vienna, in almost the only rational plan formed by the emperor Joseph II., Bavaria might probably have been for ever annexed to the Austrian monarchy. The low countries in the hands of the elector Palatine would have been, in case of future war, a neutral possession, not affording any plausible pretext of

attack from France; and England would consequently have one powerful motive less to interfere in the complicated quarrels of the continent.



MEMORIAL RELATIVE TO THE ALLIANCE CON-  
CLUDED BETWEEN FRANCE AND HOLLAND,

NOVEMBER 8, 1785.

SUCH was the complete alienation from Britain which the conduct of the court of London produced in Holland, that on the conclusion of the war, little difficulty was found by the court of Versailles in adjusting the particulars of an alliance of amity and mutual defence with their high mightinesses the States-general, by which they agreed not only to furnish each other with powerful succours in case of attack, but, to use the words of the treaty, “ by virtue of the contracted alliance, both parties shall as much as possible further their mutual prosperity and advantage, by rendering each other every assistance upon all occasions, and not to agree to any treaties or negotiations which may be detrimental to each other, but shall give notice of any such negotiations, &c. as soon as they are proposed.”

Entirely to forfeit the friendship and confidence of the Dutch republic, and to see that friendship and confidence transferred to the ancient and formidable enemy of Britain, were subjects of chagrin reserved for the unfortunate reign of George III. ; and they appear to have been keenly felt by the ministers now at the helm of affairs. In the anxious apprehension of such an event, sir James Harris, who had succeeded sir Joseph Yorke as ambassador at the Hague, delivered into the hands of the hebdomadary president of the States-general, the following memorial, though the



intelligence of the ambassador was so deficient, that he was not aware the treaty in question had been actually signed several days before.

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HIGH AND MIGHTY LORDS,

THE king cannot but express the most sincere wish that the means pursued by your high mightinesses to conciliate the differences with the emperor, may secure a peace upon a lasting and permanent basis between the two powers.

His majesty takes with pleasure this opportunity, amidst the public tranquillity, to renew to your high mightinesses the strongest assurances of those sentiments of friendship and good-will towards the republic, which ever animated his majesty, as well as the British nation. Such sentiments are equally founded on the remembrance of the essential assistance which the two countries have formerly mutually afforded to each other, in order to secure their liberty, independence, and religious worship, as on the natural and permanent interest which ought at all times to incline both nations to the most perfect friendship.

In fact, whether we attend to the evils which from the local situation of the two countries must unavoidably, and in a very peculiar manner, affect them during a war, to the great prejudice of their dearest concerns both in political and commercial matters in the different parts of the world, or whether due attention be paid to the solidity which a good understanding between the two powers might give to their respective settlements, to trade, and to the preservation of a general peace, it will clearly appear that prudence and sound policy must invite to a closer union.

Yet if your high mightinesses are of opinion, that on account of the civil dissensions which for some time have

unfortunately prevailed within the republic to his majesty's great concern, the present time is ill-suited to the settling of the mutual interests of both nations, an object ever present to his majesty, it is hoped at least that your high mightinesses, after such assurances from the king, and all his majesty's friendly dispositions towards the republic, will think it suitable to your wonted wisdom, not to be drawn in to accept of any engagements which might at any time betray you into a system contrary to that rectitude which hath ever guided his majesty; or, by making you swerve from the solid basis of an independent neutrality, raise insuperable obstacles to the renewal of an alliance between the two powers, when time and circumstances may present it to your high mightinesses as a matter of necessity and mutual conveniency.

It is by the express command of his majesty, that the underwritten has the honour of suggesting to your high mightinesses these reflections, so salutary in their object, trusting that you will pay to them that attention which the importance of the matter requires.

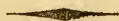
Signed,

JAMES HARRIS.

It is extremely to be regretted, that the political sentiments contained in this memorial—sentiments proper at all times to be cherished by a British ministry—should be brought forward in circumstances so unfortunate, that the avowal of them could only excite the derision of Holland, and the triumph of France. The language also of the memorial, was by no means such as might seem best calculated to conciliate an offended friend, converted into an inveterate foe by the recollection of recent and unatoned injuries. For the ambassador of Great Britain to declare publicly to the Dutch government and nation, that the British monarch had in every point adhered to that perfect system of rec-

titude from which the States-general, whom he previously and awkwardly compliments upon their wisdom, were in extreme danger of being betrayed by the artifices of another power to *swerze*, would naturally tend to revive those feelings of resentment and detestation which time **only** could extinguish.

The whole exhibits a striking picture of that species of repentance which laments the unavoidable consequences of those errors, which there exists not, if perceived, the least disposition to acknowledge.



## CONVENTION OF THE UNITED STATES OF NORTH AMERICA.

*A. D.* 1787.

OF the celebrated convention of the North American states, convoked at the city of New York, A. D. 1787, for the purpose of forming, and which did in fact form and establish the existing federal constitution of America, the debates were secret. No copies were permitted to be taken of their resolutions, no publication appeared of their journals. The only memorials of the proceedings of this assembly, previous to their ultimate decisions, are contained in the notes privately preserved by some of the members. To one of these we are indebted for the transcript of the speech delivered by the venerable Franklin, on the grand question of the adoption of the proposed constitution by the convention—a speech of singular value, as it shews in a striking point of view, how much sense and wisdom may be comprised in a narrow compass.

A single house of legislature, and an executive government extremely limited in its power, with frequent popular elections of the persons exercising public functions, formed, in the opinion of Dr. Franklin, the most perfect model of a

constitution. The unrivalled happiness and prosperity of the state of Connecticut, governed altogether upon this model, gave great countenance to this opinion. The illustrious philosopher, politician, and patriot, who was the advocate of it, did not perhaps sufficiently advert to the peculiar circumstances which in that province, as well as in the other democratic states of the American union, restrained the turbulent and dangerous spirit of democracy within just and reasonable limits—circumstances which by no means applied with equal force to the federal or general power. But that great man had too much practical wisdom to lay any undue stress on his own abstract speculations.

SIR,

I am very ready to acknowledge, that I do not at this moment entirely approve of the constitution now offered to us; but I am not the less ready to own, that I do not feel myself sure of continuing in my present sentiments. In the long career I have already run, I have more than once been compelled by subsequent reflection, to abandon opinions I had openly maintained, and which I thought well-founded, from the deep consideration I had given them. As I grow older I am more and more disposed to question my own judgment, and to pay respect to that of others. There are some men, as well as some religious sects, who imagine that reason is entirely on their side, and that their opponents plunge deeper into error, in proportion as they depart from their opinions. Struck with these examples, which are but too common, I accept of this constitution with all its faults; for I am persuaded that a general government is necessary for our safety, and that no form of government that is well administered, is incapable of producing the happiness of the people. And I think there is reason to believe that this constitution will be well administered for a number of years, and that it



will not end as too many other governments have done, in despotism, unless the American people shall reach that degree of corruption in which, at once incapable of being directed by a free constitution, and unworthy of its blessings, despotism becomes necessary to their existence. I therefore give my vote for this constitution, both because in the present circumstances of this nation I cannot hope to see one more perfect, and because I am not sure this is not as perfect as any it can have. I make a sacrifice of the opinions I have expressed of its defects, to the public happiness.

I have never uttered my objections out of this house. Here they had their birth, and here I wish them for ever to be buried. If every one of us who have opposed the constitution, when we return to our constituents, were to unfold the motives of our opposition, and endeavour to gain partisans to our side, perhaps we might prevent the unanimous adoption of the constitution. But by this we should only lose the advantage which the appearance of unanimity will give us with foreign nations, and indeed with our own people. The general good opinion of a nation respecting its government, is as necessary as the wisdom and integrity of its administration to the happiness of its people. I trust therefore, both for our own safety as members of the community, and for the sake of our posterity, that we shall be of one mind in recommending this constitution wherever our influence reaches, and that afterwards our whole thoughts will be bent to its happy administration.

I cannot forbear to form the wish, that such of us as still entertain objections to this constitution, will follow my example, and doubt a little of their infallibility, and sign this constitutional act, that no question may be left of our unanimity.

DECLARATION ON THE PART OF GREAT BRITAIN,  
RELATIVE TO THE AFFAIRS OF HOLLAND,

OCTOBER 27, 1787.

THE events which have taken place in the republic of the United Provinces, appearing no longer to leave any subject of discussion, and still less of contest, between the two courts, the undersigned are authorized to ask, whether it is the intention of his most Christian majesty to carry into effect the notification made on the 16th September last, by his most Christian majesty's minister plenipotentiary, which, by announcing that succours would be given in Holland, has occasioned the naval armaments on the part of his majesty, which armaments have become reciprocal.

If the court of Versailles is disposed to explain itself upon this subject, and upon the conduct to be adopted towards the republic, in a manner conformable to the desire which has been expressed on both sides to preserve the good understanding between the two courts; and it being also understood at the same time, that there is no view of hostility towards any quarter in consequence of what has passed; his majesty, always anxious to concur in the friendly sentiments of his most Christian majesty, would agree with him that the armaments, and in general all warlike preparations, should be discontinued on each side, and that the navies of the two nations should be again placed upon the footing of the peace establishment, as it stood on the first of January of the present year.

*Versailles, the 27th October, 1787.*

DORSET.

W. EDEN.

## COUNTER DECLARATION ON THE PART OF FRANCE.

THE intention of his majesty not being, and never having been, to interfere by force in the affairs of the republic of the United Provinces, the communication made to the court of London, on the 16th of the last month, by monsieur Barthelemy, having had no other object than to announce to that court an intention, the motives of which no longer exist, especially since the king of Prussia has imparted his resolution, his majesty makes no difficulty to declare, that he will not give any effect to the declaration above-mentioned, and that he retains no hostile view towards any quarter relative to what has passed in Holland. His majesty, therefore, being desirous to concur with the sentiments of his Britannic majesty, for the preservation of the good harmony between the two courts, agrees with pleasure with his Britannic majesty, that the armaments, and in general all warlike preparations, shall be discontinued on each side, and that the navies of the two nations shall be again placed upon the footing of the peace establishment, as it stood on the first of January of the present year.

*Versailles, the 27th October, 1787.*

THE COUNT DE MONTMORIN.

An explanation of a similar nature at the same time took place between the courts of Versailles and Berlin; and the kings of Great Britain and Prussia had thus the satisfaction of accomplishing their views in Holland, in favour of the house of Orange, with extraordinary and unexpected facility. A few historic remarks on the origin and progress of the civil dissensions which at this period seemed almost to menace the existence of the Dutch republic, may not be wholly unacceptable or superfluous.

At the conclusion of the war with England (A. D. 1783), it is certain that the party opposed to the Stadtholder was beyond comparison the most powerful in all the provinces, excepting Utrecht and Guelderland. Had this party exercised their newly acquired superiority with temper and moderation, they might probably long have retained their influence in the state, and the political connexion actually formed with France, would have given such an addition of weight to their authority, that it would have been extremely difficult for the house of Orange to have emerged from its state of degradation. But the leaders of this faction soon shewed that they were actuated by very deep views of ambition; that they aimed not merely to counteract the policy, but effect the subversion of that ancient and illustrious house, and to extinguish for ever the name and office of Stadtholder. There were undoubtedly very many persons in the seven provinces, and those for the most of a description highly respectable, who greatly disapproving the weak and partial, not to say treacherous, conduct of the prince of Orange, were yet extremely averse to the abolition of the Stadtholderate, the power and influence attached to which, seemed necessary to the strength and stability of the state. The name of Nassau was still popular amongst the lower classes of the people; and the sailors in particular, together with a great majority of the naval officers, were supposed to be strongly in the prince's interest. The two great powers of England and Prussia, had clearly intimated that they would not remain the indifferent spectators of his ruin, and it was upon the whole sufficiently evident to every considerate person, that the views of the Anti-Stadtholderian faction, could not be accomplished, but by exciting some great political convulsion in the state.

This, however, did not deter them from proceeding step by step to the attainment of their purpose. In September 1785, the states of Holland, which took the lead



in this dangerous opposition, went so far as to deprive the prince of the command of the garrison at the Hague, in consequence of which affront he left that place, and retired to his palace at Loo. The king of Prussia, Frederic III. was at this period deeply engaged in opposing the favourite project of the emperor Joseph II. for the exchange of Bavaria. Nevertheless, in the course of that month, he addressed a letter to the States-general, expressing in very decided language, his dislike and disapprobation of the late proceedings, and requesting the interposition of their high mightinesses in favour of the house of Orange; "and that you will address," as the letter goes on to say, "with zeal both the lords states of Holland and West Friezland, and the states of the other provinces, where necessary, in order that the lord hereditary Stadtholder may peaceably enjoy the rights belonging to him hereditarily: that those taken from him may be restored, and that a perfect harmony may be re-established."

The party in opposition to the Stadtholder, or the patriots, as they were generally styled, elated by the French alliance, knowing the king of Prussia, exclusive of the inaction which usually accompanies old age, to be much more nearly interested in the affairs of Bavaria than those of Holland, and depending on the supposed pacific disposition of the new minister of England, Mr. Pitt, paid very little attention to the remonstrances and representations of the courts of Berlin and London, and continued without intermission their attacks upon the constitutional authority and functions of the prince.

At the commencement of the new year (1786), it was determined that the arms of the house of Orange should be taken out of the colours of the troops in the service of the province of Holland: and the Swiss guard attendant on the person of the prince was soon after ordered to be disbanded.

On the 17th August, 1786, in the midst of the disfrac-

tions which shook the republic to its foundations, died Frederic the Great, king of Prussia, an event extremely unpropitious to the popular party, as there was good reason to believe that his nephew and successor, Frederic William, would support the prerogatives and pretensions of Stadtholder, by means much more efficacious than bare memorials and remonstrances. These, however, were first to be tried, and so early as the 18th September following, the count de Goertz, envoy extraordinary from his Prussian majesty, delivered to the States-general a letter from the king his master, expressing the desire he felt to perpetuate the friendship and harmony which had subsisted for centuries between the two powers. "And also," to use the precise words of the letter, "to demonstrate the warm part we take in the unhappy dissensions which have so long divided some of the provinces;" and *requesting* "that the affairs of the prince Stadtholder may be re-established as soon as possible, upon their former footing, conformable to the *constitution*." Far from complying with this regal request, the anti-Stadtholderian influence prevailed so far, that in four days only after the presentation of the letter, the states of Holland came to an almost unanimous resolution, suspending the prince from the exercise of his functions as captain-general of that province. Conscious of the advantage he now possessed, and the strength he derived from the potent co-operation of the court of Berlin, the Stadtholder on the 26th September, addressed to the states of Holland, an answer to their notification of his suspension, couched in bold and energetic terms; questioning the right of revocation altogether, and expressly denying by a singular pretension, that the right, if admitted, could not in the present case be exercised, unless the resolution had passed like the former, by which the office had been conferred, *nenime contradicente*, and finally ascribing the measures recently taken, to the misrepresentations of persons, whose

sole aim it was to bring about a total alteration in the lawful and established constitution of the republic.

As it was still presumed by the court of Berlin, that France would not tamely suffer any coercive interference in favour of the Stadtholder, an attempt which appears very sincere, was set on foot by the Prussian monarch, to settle all differences in the course of the ensuing winter, by a joint mediation with France; M. Gerard de Rayneval being commissioned by the court of Versailles for this purpose, to repair to Nimeguen, where the prince of Orange had now established his residence. The negotiation nevertheless failed of success; the prince, encouraged doubtless by Prussia, and probably by England, insisting upon the entire restitution of his privileges and prerogatives, which would after all have left the efficient power of the state in the hands of the patriots; and on the other hand, the anti-Stadtholderians in the provincial assembly of Holland, refusing to restore him to his office of captain-general, but on conditions which would have reduced him to a mere cypher.

The count de Goertz, and M. de Rayneval, departed to their respective courts in the month of January 1787, from which time it was apparent, that unless prevented by foreign interposition, the republic would quickly be involved in the horrors of a civil war; and hostilities in the province of Utrecht had actually commenced, with some advantage on the part of the prince, whose partisans increased in consequence of the violence of his adversaries; and whose influence at this period appeared to predominate in the assemblies of all the provinces, Holland, Overysse, and Groningen excepted; and proportionally in that of the States-general. In reply to an overture of mediation from the ministers of Great Britain and Prussia, the states of Holland voted that they would accept of no mediator but the king of France. At this period, Prussia was assembling troops with great diligence at Cleve, on the

frontier of the republic, and France slowly, at the remote station of Givet.

Matters were at length brought to a crisis, by the arrest of the princess of Orange, on the 28th of June, between Schoonhoven and Gouda, on her progress to the Hague. Early in September, the duke of Brunswick entered the Dutch territory, and in the space of a single month, made himself master of the whole country; France, upon whose powerful protection the patriots of Holland fondly relied, being at this time in a state of extreme internal disquiet, and exhibiting under the weak administration of the archbishop of Toulouse, no symptoms of spirit or vigour. The king of France had indeed, previous to the march of the Prussians, notified to the court of London by his ambassador, the resolution he had formed to resist all foreign interference in the affairs of Holland; but from this declaration that monarch, as the preceding documents demonstrate, subsequently receded with unexpected but laudable inconsistency.



LETTER FROM THE RIGHT HONOURABLE WILLIAM  
PITT TO THE PRINCE OF WALES.

*A. D. 1788.*

SIR,

THE proceedings in parliament being now brought to a point which will render it necessary to propose to the house of commons, the particular measures to be taken for supplying the defect of the personal exercise of the royal authority during the present interval; and your royal highness having some time since signified your pleasure that any communication on this subject should be in writing, I take the liberty of respectfully entreating your royal highness's permission, to submit to your consideration, the outlines of the plan which his majesty's confidential servants humbly conceive, according to the



best judgment which they are able to form, to be proper to be proposed in the present circumstances.

\* It is their humble opinion, that your royal highness should be empowered to exercise the royal authority in the name and on the behalf of his majesty, during his majesty's illness, and to do all acts which might legally be done by his majesty; with provisions, nevertheless, that the care of his majesty's royal person, and the management of his majesty's household, and the direction and appointment of the officers and servants therein, should be in the queen, under such regulations as may be thought necessary.

That the power to be exercised by your royal highness should not extend to the granting the real or personal property of the king (except as far as relates to the renewal of leases); to the granting any office in reversion; or to the granting for any other term than during his majesty's pleasure, any pension, or any office whatever, except such as must by law be granted for life, or during good behaviour; nor to the granting any rank or dignity of the peerage of this realm to any person, except his majesty's issue who shall have attained the age twenty-one years.

These are the chief points which have occurred to his majesty's servants. I beg leave to add, that their ideas are formed on the supposition that his majesty's illness is only temporary, and may be of no long duration. It may be difficult to fix before-hand, the precise period for which these provisions ought to last; but if unfortunately his majesty's recovery should be protracted to a more distant period than there is reason at present to imagine, it will be open hereafter to the wisdom of parliament to reconsider these provisions, whenever the circumstances appear to call for it.

If your royal highness should be pleased to require any farther explanation on the subject, and should condescend to signify your orders that I should have the honour of

attending your royal highness for that purpose, or to intimate any other mode in which your royal highness may wish to receive such explanation, I shall respectfully wait your royal highness's commands.

I have the honour to be, with the utmost deference and submission,

SIR,

your royal highness's

most dutiful and devoted servant,

WILLIAM PITT.

*Downing-street,*

*Tuesday night, Dec. 30, 1788.*

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DECLARATION OF THE PRINCE OF WALES, IN  
ANSWER TO THE LETTER OF MR. PITT.

*A. D. 1789.*

THE prince of Wales learns from Mr. Pitt's letter, that the proceedings in parliament are now in a train which enables Mr. Pitt, according to the intimation in his former letter, to communicate to the prince, the outlines of the plan which his majesty's confidential servants conceive to be proper to be proposed in the present circumstances.

Concerning the steps already taken by Mr. Pitt, the prince is silent. Nothing done by the two houses of parliament can be a proper subject of his animadversion; but when, previously to any discussion in parliament, the outlines of a scheme of government are sent for his consideration, in which it is proposed that he shall be personally and principally concerned, and by which the royal authority and the public welfare may be deeply affected, the prince would be unjustifiable, were he to withhold an explicit declaration of his sentiments. His silence might be construed into a previous approbation of a plan, the accomplishment of which every motive of duty to his father.

and sovereign, as well as of regard for the public interest, obliges him to consider as injurious to both.

In the state of deep distress in which the prince and the whole royal family were involved by the heavy calamity which has fallen upon the king, and at a moment when government, deprived of its chief energy and support, seemed peculiarly to need the cordial and united aid of all descriptions of good subjects, it was not expected by the prince, that a plan should be offered to his consideration, by which government was to be rendered difficult, if not impracticable, in the hands of any person intended to represent the king, much less in the hands of his eldest son, the heir apparent of his kingdoms, and the person most bound to the maintenance of his majesty's just prerogatives and authority, as well as most interested in the happiness, the prosperity, and the glory of the people.

The prince forbears to remark on the several parts of the sketch of the plan laid before him. He apprehends it must have been formed with sufficient deliberation, to preclude the probability of any argument of his producing an alteration of sentiment in the projectors of it. But he trusts with confidence to the wisdom and justice of parliament, when the whole of this subject, and the circumstances connected with it, shall come under their deliberation.

He observes, therefore, only generally on the heads communicated by Mr. Pitt; and it is with deep regret the prince makes the observation, that he sees in the contents of that paper, a project for producing weakness, disorder, and insecurity, in every branch of the administration of affairs—a project for dividing the royal family from each other—for separating the court from the state; and, therefore, by disjoining government from its natural and accustomed support, a scheme for disconnecting the authority to command service from the power of animating it by reward—and for allotting to the prince all the

invidious duties of government, without the means of softening them to the public by any one act of grace, favour, or benignity.

The prince's feelings, on contemplating this plan, are also rendered still more painful to him, by observing that it is not founded on any general principle, but is calculated to infuse jealousies and suspicions, wholly groundless he trusts, in that quarter whose confidence it will ever be the first pride of his life to merit and obtain.

With regard to the motive and object of the limitations and restrictions proposed, the prince can have but little to observe. No light or information is offered him by his majesty's ministers on these points. They have informed him what the powers are which they mean to refuse him, not why they are withheld.

The prince, however, holding as he does, that it is an undoubted and fundamental principle of this constitution, that the powers and prerogatives of the crown are vested there as a trust for the benefit of the people, and that they are sacred only as they are necessary to the preservation of that poise and balance of the constitution, which experience has proved to be the true security of the liberty of the subject, must be allowed to observe, that the plea of public utility ought to be strong, manifest, and urgent, which calls for the extinction or suspension of any one of those essential rights in the supreme power or its representative; or which can justify the prince in consenting, that in his person an experiment shall be made to ascertain with how small a portion of the kingly power the executive government of this country may be carried on.

The prince has only to add, that if security for his majesty's re-possessing his rightful government, whenever it shall please Providence, in bounty to the country, to remove the calamity with which he is afflicted, be any part of the object of this plan, the prince has only to be convinced that any measure is necessary, or even conducive to



that end, to be the first to urge it, as the preliminary and paramount consideration of any settlement in which he would consent to share.

If attention to what is presumed might be his majesty's feelings and wishes on the happy day of his recovery, be the object, it is with the truest sincerity the prince expresses his firm conviction, that no event would be more repugnant to the feelings of his royal father, than the knowledge, that the government of his son and representative had exhibited the sovereign power in a state of degradation, of curtailed authority, and diminished energy—a state hurtful in practice, to the prosperity and good government of his people, and injurious, in its precedent, to the security of the monarch, and the rights of his family.

Upon that part of the plan which regards the king's real and personal property, the prince feels himself compelled to remark, that it was not necessary for Mr. Pitt, nor proper to suggest to the prince, the restraint he proposes against the prince's granting away the king's real and personal property. The prince does not conceive, that during the king's life he is by law entitled to make any such grant; and he is sure that he has never shewn the smallest inclination to possess any such power. But it remains with Mr. Pitt to consider the eventual interests of the royal family, and to provide a proper and natural security against the mismanagement of them by others.

The prince has discharged an indispensable duty, in thus giving his free opinion on the plan submitted to his consideration. His conviction of the evils which may arise to the king's interests, to the peace and happiness of the royal family, and to the safety and welfare of the nation, from the government of the country remaining longer in its present maimed and debilitated state, outweighs, in the prince's mind, every other consideration, and will determine

him to undertake the painful trust imposed upon him by the present melancholy necessity, which, of all the king's subjects, he deploras the most, in full confidence that the affection and loyalty to the king, the experienced attachment to the house of Brunswick, and the generosity which has always distinguished this nation, will carry him through the many difficulties inseparable from this most critical situation, with comfort to himself, with honour to the king, and with advantage to the public.

(Signed)

GEORGE P.

*Carlton House,  
January 2d, 1789.*

Delivered on the same day by his royal highness to the lord chancellor.

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PAPERS RELATIVE TO THE DISPUTE WITH SPAIN,  
RESPECTING THE BRITISH SETTLEMENT AT NOOTKA  
SOUND.

A. D. 1790.

ON the 25th May, 1790, the king of Great Britain, by a royal message to both house of parliament, informed them that certain vessels, navigating under the British flag, had been captured at Nootka Sound, on the north western coast of America, by two Spanish ships of war; that the cargoes had been seized, and the crews detained prisoners. The capture of one of these vessels had been notified by the court of Madrid a considerable time since, and complaints at the same time made, of the encroachments on the territorial rights of Spain in America. Demand, his majesty said, had been made in consequence of this communication, of immediate restitution and satisfaction previous to any other discussion. By the answer from the court of Madrid, it appeared that this vessel and

crew, had been liberated by order of the viceroy of Mexico, on the supposition that ignorance of the rights of Spain only had occasioned this violation of them. Fresh representations had been made at the court of Madrid, insisting upon full and adequate satisfaction for this injury, and orders were given to make such preparations as might put it in his majesty's power to act with vigour and effect in support of the honour of his crown, and the interests of his people.

The court of Spain, alarmed at the high and menacing language of the British ministry, addressed, June 4th, a sort of circular letter or declaration, to all the European powers, stating the justice of her claims, and the exemplary moderation of her proceedings. The declaration affirmed, that his Catholic majesty pretended to no other rights than such as belonged to his crown by the most solemn treaties, recognized by all nations, and more particularly with Great Britain. Complaints had been made to the court of London, so long since as the 10th February, of the violation of these treaties, by certain *merchants*, whom Spain regarded as usurpers. If the court of London, says this declaration, had been made an amicable return to these complaints, and had shewed any desire to terminate the affair by an amicable accommodation, a great deal of unnecessary expense might have been saved. The high and menacing tone and manner in which the answer of the British minister was couched, at a time when no certain information of the particulars had arrived, made the Spanish cabinet entertain some suspicions that it was made not so much for the purpose of the dispute in question, as a pretext to break entirely with our court. On a late occasion a complaint was made to the court of Russia, as to some similar points relative to the navigation of the south sea. A candid answer being returned by that court, the affair was terminated without the least disagreement. Indeed it may be asserted with truth, that the manner, much more

than the substance, has produced the disputes that have taken place on this head with Great Britain.

Although Spain may not have establishments or colonies planted upon the coasts, or in the ports in dispute, it does not follow that such coast or port does not belong to her. If this rule were to be followed, one nation might establish colonies on the coasts of another nation, in America, Asia, Africa, and Europe, by which means there would be no fixed boundaries, a circumstance evidently absurd. But whatever may be the issue of the question of right, upon a mature consideration of the claims of both parties, the result of the question of fact is, that the capture of the English vessels is repaired, by the restitution that has been made, and the conduct of the viceroy; for as to the qualification of such restitution, and whether the prize was lawful or not, that respects the question of right yet to be investigated; that is to say, whether it has been agreeably to, or in contradiction to the treaties relative to the rights and possessions of Spain. Lastly, the king will readily enter into any plan by which future disputes on this subject may be obviated, that no reproach may be upon him, as having refused any means of reconciliation."

At this period, a very happy choice of an ambassador to the court of Spain, was made in the person of Mr. Fitzherbert, now lord St. Helen's, whose diplomatic address, and spirit of conciliation, were well adapted to temper and modify the pride and harshness of the English minister. On Mr. Fitzherbert's arrival at Madrid, a memorial was delivered to him, June 13th, by the count de Florida Blanca, in the name of the king of Spain, representing that by every treaty on record, between Spain and the other nations of Europe, particularly by the various treaties concluded from time to time with England, the rights now claimed by his Catholic majesty, were admitted and confirmed in their full extent. The memorial then goes on to enumerate the repeated acts by which Spain had



affirmed her right of sovereignty over the coasts bordering on the Northern Pacific, and acknowledges the recent seizure of divers vessels found navigating in those seas, under American, Portuguese, and English colours: one of which, the Argonaut, came not only to trade, but brought every thing with him proper to form a settlement, and to fortify it, in which determination he persevered, notwithstanding the remonstrances of the Spanish admiral. After some time the English vessels were released, by order of the viceroy of Mexico, without declaring them lawful prizes, on account of the ignorance of the proprietors, and the friendship which subsisted between the two courts of London and Madrid.

On the communication of these transactions to the court of London, the answer which the English ministry gave on the 26th February, was, that they had not as yet been informed of the facts stated by the ambassador, and that the act of *violence* mentioned in his memorial, necessarily suspended any discussion of the claims therein, till an adequate atonement had been made for a proceeding so injurious to Great Britain. The court of Spain then ordered her ambassador at London, to present a memorial to the British ministry, setting forth, that though the crown of Spain had an indubitable right to the continent, islands, harbours, and coasts, of that part of the world, founded on treaties, and immemorial possession, yet as the viceroy of Mexico had released the vessels that were detained, the king looked upon the affair as concluded, without entering into any disputes or discussions on the undoubted rights of Spain; and desiring to give a proof of his friendship for Great Britain, he should rest satisfied, if she ordered that her subjects in future respected those rights.

While England was employed in making the greatest armaments and preparations, that court made answer to the Spanish ambassador (May 5th), that the acts of violence committed against the British flag, rendered it neces-

sary for the sovereign to charge his minister at Madrid, to renew the remonstrances, and to require that satisfaction which his majesty thought he had an indisputable right to demand. To this was added a declaration, not to enter formally into the matter, until a satisfactory answer was obtained, and at the same time the memorial of Spain should not include in it the question of right, which formed a most essential part of the discussion.

The chargé d'affaires having observed that a suspension of the Spanish armaments would contribute to tranquillity upon the terms to be communicated by the British administration; an answer was made by the Spanish administration, "that the king was sincerely inclined to disarm upon the principles of reciprocity, and proportioned to the circumstances of the two courts; adding, that the court of Spain was actuated by the most pacific intentions, and a desire to give every satisfaction and indemnification, if justice was not on their side, provided England did as much, if she was found to be in the wrong."

Such was the substance of the memorial delivered by the count de Florida Blanca to Mr. Fitzherbert, to which that able minister in a short time returned the following excellent reply.

SIR,

In compliance with your excellency's desire, I have now the honour to communicate to you in writing, what I observed to you in the conversation we had the day before yesterday. The substance of these observations are briefly these:

The court of London is animated with the most sincere desire of terminating the difference that at present subsists between it and the court of Madrid, relative to the port of Nootka and the adjacent latitudes, by a friendly negotiation; but as it is evident, upon the clearest principles of justice and reason, that an equal negotiation cannot be

opened, till matters are put in their original state; and as certain acts have been committed in the latitudes in question, by vessels belonging to the royal marine of Spain, against several British vessels, without any reprisals having been made of any sort on the part of Britain, that power is perfectly in the right to insist as a preliminary condition, upon a prompt and suitable reparation for these acts of violence. And in consequence of this principle, the practice of nations has limited such right of reparation to three articles, viz. the restitution of the vessels—a full indemnification for the losses sustained by the parties injured—and finally, satisfaction to the sovereign for the insult offered to his flag. So that it is evident that the actual demands of my court, far from containing any thing to prejudice the rights, or the dignity, of his Catholic majesty, amount to no more in fact, than what is constantly done by Great Britain herself, as well as every other maritime power in similar circumstances.

Finally, as to the nature of the satisfaction which the court of London exacts on this occasion, and on which your excellency appears to desire some explanation, I am authorized, sir, to assure you, that if his Catholic majesty consents to make a declaration in his name, bearing in substance, that he had determined to offer to his Britannic majesty a just and suitable satisfaction for the insult offered to his flag, such offer, joined to a promise of making restitution of the vessels captured, and to indemnify the proprietors under the conditions specified in the official letter of Mr. Merry, on the 16th May, will be regarded by his Britannic majesty, as constituting in itself the satisfaction demanded; and his said majesty will accept of it as such, by a counter declaration on his part. I have to add, that as it appears uncertain if the vessels, the *North West*, an American vessel, and the *Iphigenia*, had truly a right to enjoy the protection of the British flag, the king will with pleasure consent, that an exami-

nation of this question, as well as that relative to the just amount of the losses sustained by his subjects, may be left to the determination of commissioners, to be named by the two courts.

Having thus recapitulated to your excellency the heads of what I observed to you in conversation, I flatter myself you will weigh the whole in your mind, with that spirit of equity and moderation which characterizes you, that I may be in a condition of sending to my court as soon as possible, a satisfactory answer, as to the point contained in the official paper sent to Mr. Merry on the 4th of the month, and which, for the reasons I have mentioned, cannot be regarded by his Britannic majesty as fulfilling his just expectation.

I have the honour to be, &c.

ALLEYNE FITZHERBERT.

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A harsh and unjust demand could not possibly be couched in terms more guarded and polite. In consequence of the dexterity and address of the ambassador, the irritation of the Spanish court appears to have suffered a great abatement, and an immediate answer was returned by the count de Florida Blanca, in the same spirit of courtesy and conciliation; although unconvinced, as may easily be supposed, by the arguments of Mr. Fitzherbert.

The count desires "that the English ambassador will pardon him, that he cannot give his assent to the principles laid down in his letter, as Spain maintains on the most solid grounds, that the detention of the vessels was made in a port upon a coast, or in a bay of Spanish America, the commerce and navigation of which belonged exclusively to Spain, by treaties with all nations, even England herself.

The principles laid down cannot be adapted to the case.



The vessels detained, attempted to make an establishment at a port where they found a nation actually settled; the Spanish commander at Nootka having, previous to their detention, made the most amicable representations to the aggressors to desist from their purpose. However, that a quarrel may not arise about words, and that two nations friendly to each other, may not be exposed to the calamities of war, I have to inform you, sir, by order of the king, that his majesty consents to make the declaration which your excellency proposes in your letter, and will offer to his Britannic majesty a just and suitable satisfaction for the insult offered to the honour of his flag; provided that to these are added, either of the following explanations:

I. That in offering such satisfaction, the insult and the satisfaction shall be fully settled both in form and substance, by a judgment to be pronounced by one of the kings of Europe, whom the king, my master, leaves wholly to the choice of his Britannic majesty: for it is sufficient to the Spanish monarch, that a crowned head, from full information of the facts, shall decide as he thinks just.

II. That in offering a just and suitable satisfaction, care shall be taken, that in the progress of the negotiation to be opened, no facts be admitted as true, but such as can be fully established by Great Britain, with regard to the insult offered to her flag.

III. That the said satisfaction shall be given, on condition that no inference be drawn therefrom, to affect the rights of Spain, nor the right of exacting from Great Britain an equivalent satisfaction, if it shall be found in the course of negotiation, that the king has a right to demand satisfaction for the aggression and usurpation made on the Spanish territory, contrary to subsisting treaties.

Your excellency will be pleased to make choice of either of these three explanations, to the declaration your excellency proposes, or all the three together; and to point out

any difficulty that occurs to you, that it may be obviated; or any other mode that may tend to promote the peace which we desire to establish.

(Signed)

THE COUNT DE FLORIDA BLANCA.

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These propositions of the Spanish court, were of a nature very perplexing, merely because the equity and fairness of them were so extremely apparent; indicating a confidence so firm in the justice of her cause: as on the other hand, the refusal of the English court to accede to these proposals, plainly shewed the doubts which she herself entertained of the validity of her claims. That California, conformably to the tenor of the existing treaties, had invariably been considered as appertaining to Spain, was too evident to be denied. England, therefore, refused to discuss the previous question of right, because, if Spain proved her title to the territory in dispute, no reparation was due to England, as no injury had been offered. The court of Madrid had therefore great reason to complain that they were required to make reparation, and to offer satisfaction, before it was ascertained whether England had even any pretence to exact such conditions of reconciliation. There was indeed a sense in which the claims of Spain might well be regarded as in the highest degree extrayagant, for Western America belonged not to her by any court of justice or rectitude. The country was no doubt the property of the inhabitants whom God and nature had planted there; but her claims, relatively speaking, and in respect to Great Britain, were valid; because they had been solemnly and repeatedly recognized by the British government, and because the similar and corresponding claims of Britain acknowledged by Spain, had never been violated by that power; which, finding the court of London inflexibly determined not to accede to the

propositions which appeared to his Catholic majesty so equitable ; at length, with much reluctance, and after many weeks delay, signed the following

#### DECLARATION.

His Britannic majesty having complained of the capture of certain vessels belonging to his subjects, in the port of Nootka, situated on the north west coast of America, by an officer in the service of the king ; the undersigned counsellor and principal secretary of state to his majesty, being thereto duly authorized, declares in the name, and by the order of his said majesty, that he is willing to give satisfaction to his Britannic majesty for the injury of which he has complained ; fully persuaded that his said Britannic majesty would act in the same manner towards the king, under similar circumstances. And his majesty further engages to make full restitution of all the British vessels which were captured at Nootka, and to indemnify the parties interested in those vessels, for the losses which they shall have sustained, as soon as the amount thereof shall have been ascertained : it being understood that this declaration is not to preclude or prejudice the ulterior discussion of any right which his majesty may claim, to form an exclusive establishment at the port of Nootka.

*Signed at Madrid, the 24th July, 1790.*

THE COUNT DE FLORIDA BLANCA.

At the same time Mr. Fitzherbert, on the part of his majesty the king of Great Britain, signed the following

#### COUNTER DECLARATION.

His Catholic majesty having declared, that he was willing to give satisfaction for the injury done to the king by the capture of certain vessels belonging to his subjects in the bay of Nootka, and the count de Florida Blanca

having signed, in the name and by the order of his Catholic majesty, a declaration to this effect, and by which his said majesty likewise engages to make full restitution of the vessels so captured, and to indemnify the parties interested in those vessels for the losses they shall have sustained; the undersigned ambassador extraordinary and plenipotentiary of his majesty to the Catholic king, being thereto duly and expressly authorized, accepts the said declaration in the name of the king; and declares that his majesty will consider this declaration, together with the performance of the engagements contained therein, as a full and entire satisfaction for the injury of which his majesty has complained.

The undersigned declares at the same time, that it is to be understood, that neither the said declaration signed by count Florida Blanca, nor the acceptance thereof by the undersigned, in the name of the king, is to preclude or prejudice in any respect, the right which his majesty may claim to any establishment which his subjects may have formed, or should be desirous of forming in future, at the said bay of Nootka.

*Signed at Madrid the 24th July, 1790.*

ALLEYNE FITZHERBERT.

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Soon after Mr. Fitzherbert's arrival at Madrid, the court of Spain had made application to that of France, in very urgent terms, for that aid and assistance which was due from the French government, conformably to the tenor of the family compact, in case of a rupture with Great Britain, affirming, "that by the treaties, demarcations, takings of possession, and the most decided acts of sovereignty, exercised by the Spaniards, for which original vouchers would be brought forward, all the coast of Western America, bordering on the South Sea, as far as the sixty-first degree of north latitude, belonged exclu-



sively to Spain; and that the state of their possessions on the sea coast of the Southern Ocean had been particularly acknowledged by England in the eighth article of the treaty of Utrecht." The Spanish minister, count de Ferdinand Nunez, in his letter to M. de Montmorin, on this subject, declares, "that he is charged by his Catholic majesty to add, that the present state of this unforeseen business requires a very speedy determination, and that the measures which the court of France shall take for his assistance shall be so active, so clear, and so positive, as to prevent even the smallest ground for suspicion. Otherwise his most Christian majesty must not be surprised that Spain should seek other friends and different allies among all the powers of Europe, without excepting *any one*, upon whose assistance she can rely in case of need. The ties of blood and personal friendship which unite our two sovereigns, and particularly the reciprocal interest which exists between two nations united by nature, shall be respected in all new arrangements, as far as circumstances will permit."

The king of France had already shewn his readiness to assist the king of Spain in this emergency, by recommending to the national assembly, in the preceding month of May, to equip a squadron of fourteen ships of the line, in order to enable him to act as circumstances might require. This measure was not only complied with, but applauded by the assembly, who passed a vote of thanks to the king upon the occasion. The encouragement received from France, however, was not sufficient to prevent the court of Madrid from acceding to the declaration required by England, and which the former probably hoped would have terminated the business. On the contrary, the discussion, or rather the claim and assertion of right succeeding to the declaration, the dispute became more serious than ever; England haughtily insisting upon the absolute relinquishment, on the part of Spain, of any exclu-

sive property on the north-western coasts of America, beyond those parts of the coast already occupied by Spain.

With at least as much justice might the court of Madrid have required the relinquishment on the part of England, of any exclusive right of property on the north-eastern coast of the same vast Continent, beyond the most northerly settlements in Canada or Labradore.

On the 1st August, M. de Montmorin, by order of the king of France, proposed to the national assembly, another and far greater augmentation of the French marine than the former—apprizing them at the same time, that the king of Spain claimed in the most positive manner, an assurance of the execution of the conditions stipulated by the treaty of alliance subsisting between the two nations, and submitting to the wisdom of the legislative body what answer should be made to the court of Madrid.

This message being referred to the diplomatic committee, a report was in a short time drawn up by the celebrated Mirabeau in their name, replete with good sense, sound policy, and sentiments of humanity. In consequence of this report, the assembly passed a decree, that the French nation will observe her defensive and commercial engagements with Spain. The general tenor of the report, which treated with indignation the supposition, “that two enlightened nations would lavish their blood and treasure for the acquisition of so distant, so barren a spot of ground,” was however so adverse to the idea of a war with England, and the reluctance of the assembly to involve the French nation in hostilities for an object wholly insignificant, so apparent, that the court of Madrid wisely resolved to concede the points in dispute to England, by a convention signed at the Escorial on the 28th October, 1790, by Mr. Fitzherbert and the count de Florida Blanca. But though England, at the expense of three millions, extorted from the Spaniards a promise of restoration and reparation, it is well ascertained, *first,*

that the settlement in question never was restored by Spain, nor the Spanish flag at Nootka ever struck; and *secondly*, that no settlement has ever been subsequently attempted by England on the Californian coast. The claim of right set up by the court of London, it is therefore plain, has been virtually abandoned, notwithstanding the menacing tone in which the negotiation was conducted by the British administration, who cannot escape severe censure for encouraging those vexatious encroachments on the territorial rights of Spain.

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DECLARATION OF MANTUA, BY THE EMPEROR  
LEOPOLD II.

MAY 20, 1791.

M. Bertrand de Moleville, in his memoirs informs us, that in May 1791, the king and queen of France sent a confidential person, the count Alphonse d'Urfort, to the count d'Artois, with a commission to treat with the emperor Leopold, then in Italy, for the rescue and re-establishment of the royal family of France. The conference took place at Mantua, on the 20th May. The following paper was drawn up, corrected by the emperor himself, and carried to Paris in seven days by M. d'Urfort.

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DECLARATION.

THE emperor shall order 35,000 men to march towards the frontiers of Flanders and Hainault, and at the same time the troops of the circles, to the number of 15,000 men, shall proceed to Alsace. The same number of Swiss shall appear on the frontiers of the Lyonnois and Franche-Comté; the king of Sardinia upon that of Dauphiné with 15,000 men. Spain has already assembled 12,000 men in Catalonia, and will raise them to 20,000 troops, to

threaten the southern provinces. These different armies will form a mass of about 100,000 men, which shall march in five columns to the several frontiers bordering on the different states. To these armies shall be joined the regiments remaining loyal, the armed volunteers who may be relied on, and all the malcontents of the provinces.

The emperor is assured of the good disposition of the king of Prussia; and his Imperial majesty has himself undertaken the direct correspondence with the court of Berlin. The king of England, as elector of Hanover, also desires to enter into the coalition, which must be kept a profound secret till the instant of the explosion; for which reason care must be taken to prevent any partial insurrection in the interior.

All being thus arranged for the end of July, the declaration of the house of Bourbon shall appear. It shall be signed by the king of Spain, the king of Naples, the infant of Parma, and the princes of the blood that are at liberty. The manifesto of the powers engaged in the coalition, shall appear immediately after.

Although the emperor is the soul and leader of the enterprise, it would most probably place the queen in a perilous situation, if he should appear as the prime mover. For this plan would be certainly attributed to the house of Austria, and the assembly will use their utmost endeavours to render it odious to the people.

The emperor is going to write to the king of Spain to hasten his preparations, and exhort him to sign without delay the declaration of the house of Bourbon. The king and queen of Naples, who are acquainted with it, only wait the signature of Spain to affix theirs.

The intentions of the king of Sardinia are excellent; he only waits the emperor's signal. The diet of Ratisbon, who have received the decree for a commission, are about to take their last resolutions. The neutrality of England may be relied upon.



Every thing being thus concerted with the powers, this plan ought to be considered as settled; and care should be taken that it is not thwarted by jarring ideas. Their majesties should carefully avoid dividing their confidence, and letting many into the secret; having already experienced that it only hurts, retards, and embarrasses.

The parliaments are necessary for the re-establishment of forms: consequently a continual correspondence must be kept up with several members of the supreme courts, to be able to re-assemble them easily when the time comes.

Though hitherto it had been wished that their majesties might themselves procure their liberty, the present situation of affairs makes it necessary to entreat them earnestly to drop the idea. Their position is very different from that in which they stood previous to the 18th April, before the king had been compelled to go to the assembly, and to cause the letter to be written to the ambassadors. The only object that ought to take up their majesties' attention, is to employ every possible means to increase their popularity, to take advantage of it when the time should come; and so that the people, alarmed at the approach of the foreign armies, should find their safety only in the king's mediation, and their submission to his majesty's authority.

This is the emperor's opinion. He depends solely on this plan of conduct for the success of the measures which he has adopted, and particularly requests that every other may be given up. What might happen to their majesties, if in their flight they should not be able to escape a barbarous vigilance, makes him shudder with horror. His Imperial majesty thinks that their majesties' surest course is the movement of the armies of the allied powers, preceded by threatening manifestoes.

LETTER FROM THE KING OF THE FRENCH TO THE  
KING OF ENGLAND.

*A. D. 1792.*

*Paris, May 1, 1792.*

SIR, MY BROTHER,

I SEND this letter by M. Chauvelin, whom I have appointed my minister plenipotentiary at your majesty's court. I embrace this opportunity to express to your majesty, how sensible I am of all the public marks of affection you have given me. I thank you for not having become a party to the concert formed by certain powers against France. From this I see you have formed a better judgment of my true interests, and a more correct opinion of the state of France. Between our two countries, new connexions ought to take place. I think I see the remains of that rivalship which has done so much mischief to both, wearing daily away. It becomes two kings who have distinguished their reigns by a constant desire to promote the happiness of their people, to connect themselves by such ties as will appear to be durable, in proportion as the two nations shall have clearer views of their own interests. I have every reason to be satisfied with your majesty's ambassador at my court. If I do not give the same rank to the minister whom I have sent to yours, you will nevertheless perceive, that by associating in the mission with him, M. de Talleyrand, who by the letter of the constitution can assume no public character, I consider the success of the alliance, in which I wish you to concur with as much zeal as I do, as of the highest importance. I consider it as necessary to the stability, to the respective constitutions, and the internal tranquillity of our two kingdom; and I will add, that our union ought to command peace to Europe.

I am your good brother,

LOUIS.

To this most important overture of friendship and alliance, an attention to which might, and in all human probability would, have prevented incalculable mischief, no answer whatever was made by the English court.

END OF VOL. VIII.





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VOLUME THE NINTH.

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# APPENDIX:

CONTAINING

*STATE PAPERS AND AUTHORITIES,*

TO THE

NINTH VOLUME.

ON THE ORIGIN OF THE WAR OF 1793-1802.

**I**T is a question of great historical moment, to ascertain in what causes the late war between England and France, unparalleled in its expenditure of blood and treasure, and still more so, in the dreadful magnitude of its consequences, ORIGINATED. If it was, politically speaking, unavoidable on the part of Great Britain, the administration of that period have suffered much unmerited obloquy, from which they ought to be publicly vindicated. If, on the other hand, they had it in their power, much more if the means were easy and obvious, to preserve the nation from an evil so dreadful, it is the duty and the province of history to hold them up to general contempt as the most incapable, if not to general indignation as the most criminal, of statesmen.\*

\* The present dissertation contains the substance of the arguments used by the author, in a controversial discussion respecting the origin of the war, with the Rev. Herbert Marsh, in consequence of the work published by that gentleman, styled "History of the Politics of GREAT BRITAIN and FRANCE, &c." in two volumes 8vo.

That in the month of August, in the year 1791, a conference took place at Pilnitz, in Saxony, between the emperor Leopold and the king of Prussia, which terminated in an agreement or convention, purporting designs in the highest degree alarming to France, is acknowledged. Upon the decisive evidence of M. de Bouille, and M. de Moleville, it is certain that the project of the emperor and king was nothing less than to form a league between all the powers of Europe, in order to compel the French nation to submit to such conditions as those powers might think fit to impose. To this league Great Britain, much to the honour of its government, and to the disappointment of the combined courts, refused to accede; and in relation to this famous intended general coalition, as well as in other respects, she appears to have acted a part rather friendly than inimical to France.

During the dreadful state to which the island of St. Domingo was reduced towards the close of the summer of 1791, in consequence of the insurrection of the negroes, the town of Cape François being surrounded by an army of the insurgents, the most seasonable and effectual relief was afforded to the inhabitants, by the generosity of lord Effingham, governor of Jamaica; and the British ambassador at Paris notified to the court of France, his Britannic majesty's approbation of this proceeding.

To the circular letter written by the king of France, September 1791, to announce his acceptance of the new constitution, the court of London replied early, and in terms of respect and friendship; while Sweden returned the letter unopened; and Spain gave for answer, that the act of acceptance could not be regarded as an act of free will.

On the 31st of January, 1792, the session of parliament was opened by a speech from the throne, indicative of a truly pacific spirit, and even recommending some immediate reductions in the naval and military



establishments, which accordingly took place: and Mr. Pitt was sanguine enough to affirm the probability of fifteen peaceful years in uninterrupted succession.

Upon the 20th of April (1792), war was declared by France against Austria; on which great occasion England still maintained its professions of neutrality; with the sincerity of which the French ambassador, M. Chauvelin, appears to have been perfectly satisfied. "War," says the ambassador in his dispatches, "is not agreeable to the taste of the nation; preparations are neither made in the ports or the arsenals. It is certain, that the system of neutrality *debated* in council was adopted there." So strongly were the new ministers of France, M. Roland and his colleagues, persuaded of the favourable disposition of the English nation, and even of the English court at this period, that the king of France was advised by them to write (May 1st) a confidential letter to the king of England, thanking that monarch "for all the marks of affection he had given him, and especially for not having become a party to the concert formed by certain powers against France." The letter then proceeds to touch upon topics of the most important and interesting nature, and refers to the secret instructions given to the ambassador. "Between our two countries," says the French monarch, "new connexions ought to take place. I think I see the remains of that rivalry which has done so much mischief to both, daily wearing away. It becomes two kings who have distinguished their reigns by a constant desire to promote the happiness of their people, to connect themselves by such ties as will appear to be durable, in proportion as the two nations shall have clearer views of their own interests. I consider the success of the alliance in which I wish you to concur with as much zeal as I do, as of the highest importance. I consider it as necessary to the stability of the respective constitutions, and the internal tranquillity of our two kingdoms; and

and I will add, that our union ought to **COMMAND PEACE to EUROPE.**”

Never did a more glorious opportunity present itself, of advancing to an height before unknown, and of establishing on a broad and solid basis the great and permanent interests of mankind. Had the alliance so earnestly sought by France, been acceded to with equal sincerity and good will on the part of Great Britain, how incalculable are the mischiefs which might, and in all human probability would, have been prevented: how immense the benefits which must have accrued! To this truly noble and generous overture, *no answer was given*. An alarming indication, that a new spirit had arisen in the English councils. Yet in the course of the same month, the English court issued, at the requisition of the ambassador, Chauvelin, a proclamation to enforce the amicable stipulations of the treaty of 1786, prohibiting the subjects of England from taking out, or accepting any commissions from the princes or states actually at war with France. This was highly gratifying to the French government; and in a note presented by M. Chauvelin at this period, on occasion of the proclamation against seditious writings, he says, “Independently of those principles of justice, from which a free people ought never to depart, if any one is solicitous to reflect candidly on the true interests of the French nation; is it not evident that they must be anxious for the internal peace, and the stability and duration of the constitution of a country which they already look upon as a natural ally?” On the 15th of June, 1792, the session ended, when the king renewed the protestations of his care to maintain the harmony and good understanding which subsisted between him and the several belligerent powers, and to preserve to his people the uninterrupted blessings of peace.

So eager was the government of France at this crisis, to conciliate the favour and friendship of England, that

notwithstanding the late repulse, the king of France, by advice of his present virtuous and patriotic ministers, ordered M. Chauvelin to present, June 18, a memorial to the English minister for foreign affairs, requesting the mediation of the king of England between France and the allied powers. "The consequences," said the ambassador, "of such a conspiracy, formed by the concurrence of powers who have been so long rivals, will be easily felt by his Britannic majesty : the balance of Europe, the independence of the different powers, the general peace ; every consideration which at all times has fixed the attention of the English government, is at once exposed and threatened. The king of the French presents these serious and important considerations to the solicitude and friendship of his Britanic majesty. Strongly penetrated with the marks of interest and affection which he has received from him, he invites him to seek in his wisdom, in his situation, and in his influence, means compatible with the independence of the French nation, to stop while it is still time, the progress of the confederacy formed against her," &c.

After a lengthened and tedious interval of twenty days, a cold and evasive answer was returned by the English court, importing, "that in the *existing circumstances* of the war now begun, his majesty thinks the intervention of his counsels or of his good offices, cannot be of any use, unless they should be desired by all the parties interested," &c.

But it is not to be imagined, that in the *existing circumstances* of the case, Austria and Prussia would have dared to refuse the mediation of Great Britain. The interests of this country were evidently and closely interwoven with those of the Continent, which seemed to look up to England as the arbitress of its fate. But the genius of Mr. Pitt did not rise to a level with the proud pre-

eminence in which he, his king, and his country, were at this critical moment placed.

England was at all times well known to be more favourably disposed to the house of Austria than to France. The application of France to England, therefore, shewed the confidence she placed in the justice of her cause, and her readiness to acquiesce in any fair and equitable terms of reconciliation. Had the pride and obstinacy of Austria rendered the mediation of England ineffectual, she might properly have left the Imperial court to the consequences of its folly; and would by this means have acquired an irresistible claim upon France for conceding the neutrality of the low countries; the preservation of which from the Gallic power, was the only good political reason for involving this country in the continental war.

In consequence of the wise and conciliatory conduct of sir Robert Walpole in the war of 1735, this point was attained without difficulty; and the court of Vienna clamoured in vain for the assistance of Great Britain to extricate her from the distressing embarrassments occasioned by her own rashness and presumption. The power of this country is indeed very great, when wisely directed, and to proper objects; and her mediation, when offered in the spirit of candour and good will, must ever carry with it peculiar weight. But the administration of Mr. Pitt has been distinguished by the spirit of haughtiness. No minister ever challenged the confidence of the country in a tone so lofty; no minister ever expressed himself with respect to France, in terms of such insolence and contumely; no minister, when engaging in a war with that potent enemy, ever before countenanced the puerile idea of marching to the gates of Paris;—yet was this minister the only statesman having the direction of the affairs of England since the power of France became formidable under the auspices of Richelieu and Mazarine, who failed



in his attempts to defend the low countries from the designs of Gallic ambition.

To revert from this digressional remark to the chain of political events during this memorable year. On the deposition of the king of France, August 10, 1792, orders were almost immediately sent to earl Gower, the English ambassador at Paris, and who had displayed much good sense and discretion during his embassy, to withdraw from that city and return forthwith to England; therein virtually taking a decided part in the interior concerns of France, casting a stigma upon the conduct of the national assembly, and dissolving the most direct and important medium of communication with that country, at a time when the political relation of the two nations became more than ever interesting and momentous. Whether the national assembly were or were not justifiable in the measure of deposition, the English government could possess no right of jurisdiction over them: and the political necessity of maintaining an intercourse of amity and good offices, was at least as urgent as before. France probably was to be saved only by proceeding to this extremity; and what political merit had Louis XVI. in relation to England, that the English government should interest itself in the perpetuation of his power? Why incur any political risques in opposing the downfall of a monarchy which had shewn itself uniformly hostile to Britain? Surely the new order of things could not be worse in this respect than the old! of whatever private virtues the king might be possessed, he inherited all the political vices at least of his ancestors. And that minister must be actuated by strange predilections, who would willingly engage in a war, for the purpose of re-establishing the former despotism of the house of Bourbon in France.

But the recall of the ambassador was necessarily productive of the highest political inconvenience. It was an unprovoked and flagrant insult to the French nation;



and it was by all persons of political discernment in both countries regarded as ominous of future animosity, contention, and war ; occasioning, as it did, a mighty shock to the feelings of that high-spirited and gallant people, who carry to a pitch which borders even upon the romantic, their ideas of the point of honour. “ The suspension of the king of the French,” says M. Brissot, in his famous report of the 12th January, 1793, “ on a sudden changed the apparent disposition of the English court. On the 17th of August she recalled her ambassador, under the futile pretext, that his letters of credence were addressed only to the monarch ; as if new letters of credence could not have been expedited. The minister, Dundas, added, that this recall was perfectly conformable to the principles of neutrality adopted by the English court, and her firm resolution not to interfere in the internal government of France. Nevertheless, the ambassador was recalled upon the ground of the revolution of the 10th of August. Was not this an interference in the interior concerns of France, since it involved in it a public disapprobation of its operations ? If the cabinet of England had entertained a just respect for the independence of the Gallic nation, an ambassador would at least have been sent at the opening of the convention. For when all the departments had named deputies to this convention, it was evident that a formal sanction was given to the preceding measures of the national assembly, and consequently to the suspension of the king. Did the cabinet of St. James’s found its refusal upon the abolition of royalty, pronounced by this convention at the commencement of its sittings ? We answer, that the convention was invested with unlimited powers ; and that it had a right to abolish royalty, and to substitute a republican government in its place. The cabinet of St. James’s could not refuse to correspond with the new executive power established in France, without violating the principle which she had herself proclaimed respect-

ing the independence of nations ; without declaring their determination to interfere with the internal concerns of France. Disdaining, nevertheless, these frivolous diplomatic chicaneries, and conceiving that the repose of nations ought not to be sacrificed to the miserable disputes of etiquette ; hoping all things from time, reason, and victory, the French republic ordered her ambassador in London still to exercise his functions."

In the instructions transmitted to lord Gower upon this occasion, it must be remarked that his lordship was directed "to take especial care in all the conversation which he might have occasion to hold before his departure, not to neglect any opportunity of declaring, that at the same time his majesty means to observe the principles of neutrality in every thing which regards the arrangement of the internal government of France." On reading this instruction, who can avoid exclaiming, why then depart at all ? If it were the real intention of the British court to maintain its neutrality, why adopt a measure so invidious, and which necessarily put that neutrality so much to the hazard ?

The French executive government, upon their part, on this trying occasion displayed very signal proofs of temper and wisdom. "The council," says M. Le Brun, minister of foreign relations, in his reply to the official notification of lord Gower, "hath seen with regret, the determination of the English cabinet to recall its ambassador, whose presence attested the favourable dispositions of a free and generous nation, and who had never been the organ of any other than amicable words and sentiments of benevolence. If any thing can diminish this regret, it is the renewal of the assurance of the neutrality given by England to the French nation. This assurance appears to be the result of the intention wisely reflected upon, and formally expressed by his Britannic majesty, not to interfere in the interior arrangement of the affairs

of France. Such a declaration cannot be surprising on the part of the people, enlightened and spirited, who first of all nations recognized and established the principle of the national sovereignty; who substituting the empire of the law, the expression of the will of all, to the arbitrary caprices of individual wills, was the first to give the example of subjecting kings themselves to that salutary yoke; who, in fine, hath not deemed herself to have purchased too dear by long convulsions, and violent tempests, that liberty to which she owes her glory and prosperity. This principle of the inalienable sovereignty of the people is now going to manifest itself in a strong manner in the national convention, of which the legislative body has decreed the convocation, and which will fix without doubt, all parties and all interests. The French nation has ground to hope, that the British cabinet will not depart in this decisive moment, from the justice, the moderation, and the impartiality, which have hitherto characterized her proceedings.”

But notwithstanding the hollow neutrality of words contradicted by her own public act, on the part of the English court, and the magnanimous acceptance of that fallacious neutrality on the part of the executive council, the prevailing opinion in France from this time really was, that England would ultimately join the coalition\* :

\* With respect to the impression actually made by the revocation of lord Gower, we are informed by Mr. O'Bryen, who was at Paris shortly after this event had taken place, that M. Brissot declared in his presence, “that he never despaired of the duration of the peace with England, until the recall of the English ambassador; that the French were well aware of the hostile disposition of the English ministry from the beginning of the revolution; they had hopes, however, that the unprovoked injustice of such a measure, would prevent the accession of England to the coalition; but the recall of the ambassador, and sending no one to replace him, was too clear an explanation of the Hanoverian minister's conduct at the diet of Ratisbon, who appeared more as a factor for the duke of Brunswick's army, than the envoy of a power which had repeatedly promised its neutrality.”—*Utrinq; Horum*, p. 43.

and those who were most adverse to the idea of a rupture with that power, thought it necessary to prepare the public mind for what they conceived to be so probable an event.

This they endeavoured to do in divers ways: *First*, By depreciating the power of England, and representing that in consequence of her immense debt, she would not be able to exert her native force with the same effect she had heretofore done. Nay, that a war would soon bring on a crisis in her finances, and that a national bankruptcy must inevitably ensue. *Secondly*, By magnifying the discontent and disaffection which were known to exist in a certain degree in that kingdom, and by plain intimations and even assertions, that in case of a war, it would be easy to excite a formidable insurrection in England, which would probably terminate in the subversion of kingly government.

In making these assertions, M. Brissot, and other popular orators in the convention, were doubtless in some measure deceived themselves, and from motives which appeared in their view highly patriotic, they evidently scrupled not the practice of various arts to deceive others. If they conceived that they had it in their power to excite an insurrection, which M. Le Brun and other persons high in office, probably might imagine, it does not follow that they seriously expected this insurrection to terminate in the subversion of kingly government in England. On the contrary, it was manifest beyond all possibility of question, that the adherents of the established form of government, were incomparably more numerous and powerful than the jacobins and republicans. An insurrection on the part of the mal-contents, therefore, could ultimately operate, as the French government indubitably saw, only to their own ruin. And though we are not at liberty to suppose that the French government entertained agents in England, with a view to excite public disturb-



ances, for this plain reason, because none such have ever been detected, yet in all probability, like *lawful and regular governments*, they had their spies and reporters, who might sometimes mislead them, as lawful and regular governments have been sometimes misled.

What good or plausible motive can be assigned why France should not have been as well disposed to maintain the relations of peace and amity with Great Britain as with Denmark, Sweden, and America, had she conceived that Britain was amicably disposed towards her? In fact, as long as there was the least chance of retaining the friendship, or even the neutrality of England, France shewed herself eager to cherish a close connexion with the British crown; and it was not till she conceived her advances to be slighted, and her government insulted, that she displayed any symptoms of resentment.

But it is not easy, in adopting a subtile and refined system of policy, to draw the line accurately and precisely. Brissot and his colleagues so frequently asserted "that it was the interest of France to engage in a general war;"—"that the revolution could be completed and perfected only by such a war;"—"that the governed must be incited against the governor;"—"that France, for her own safety, must set fire to the four corners of the world," &c. &c. that many were seriously of opinion, that this ought to be effected; and the spirit of jacobinism soon began, even under the Brissotine administration, which it shortly afterwards superseded and overturned, to appear very formidable. Many violently patriotic members of the convention aspired to the glory of revolutionizing England, and from the combined influence of the causes so repeatedly stated to them, they thought little of the danger attending it: and there were those who hesitated not to affirm, that England was no more to be dreaded than the republic of Ragusa.

In this dangerous and highly fermented state of the



public mind, the *patriotic societies* in England began the practice of presenting at the bar of the convention, addresses of congratulation, filled with bold, insolent, and seditious expressions, to which answers were returned in a congenial spirit, full of respect and complacency. After the decisive victory of Gemappe, and the concomitant successes of the French armies in Germany and Italy, the licentious enthusiasm of that democratic and anarchic body, knew no bounds; and the famous decree of the 19th November, 1792, granting fraternity, and promising assistance to all those people who wished for liberty; passed by acclamation. On the 28th of the same month, the president of the convention, M. Gregoire, in reply to a seditious address from England, went the violent and extreme length of declaring, “that the moment without doubt approached, in which the French would bring congratulations to the national convention of Great Britain.”

No sooner had this intelligence reached England, than a resolution was taken, in the stead of reinstating lord Gower as ambassador, and authorizing him to remonstrate with energy against these extravagancies, which most assuredly would never have been committed, had he remained in his proper station, immediately to convoke the parliament, and to state to *them* in the first instance, instead of the French government, all the causes of grievance. The parliament accordingly met December 13th, in a most unusual time and manner, and every artifice was put in practice by the ministers, and but too successfully, to excite a national alarm. Parliament summoned, no one could tell why—the militia called out to fight, no one could tell whom—a plot against the government, no one could tell what—an explosion hourly expected, no one could tell where—the stocks falling, the Tower fortifying; meetings here, addresses there, sound and fury in the debates of the two houses; Mr. Fox’s counsels contemned, and Mr. Burke deemed an oracle of wisdom!

The speech from the throne contained a formal denunciation of the French, whose conduct had indeed by this time afforded just and weighty grounds of complaint. The decree of November, the opening of the Scheld, the annexation of Savoy, in opposition to the pretended renunciation of conquest; the reception given to the English addresses by the convention; were all legitimate subjects of reclamation and remonstrance. But neither reclamation nor remonstrance was made to the government of France. As a measure of national security and prevention, an augmentation of the naval and military force of the kingdom was voted. The alien bill, the bill for preventing the circulation of assignats, for prohibiting the exportation of arms and military stores to France, and even, in direct and acknowledged defiance of the commercial treaty, of foreign corn through the medium of England—a measure against which, M. Chauvelin remonstrated in terms of great energy—were passed; being carried through their several stages by great and decisive majorities in both houses.

These measures were not of a nature to pass unnoticed in the national convention of France. So early as the 15th December, and as soon as England had begun to shew herself decidedly hostile, the principles of jacobinism still rapidly gaining ground in that assembly, a decree passed, “that in those countries which are, *or shall be* occupied by the armies of the French republic, the generals shall immediately proclaim in the name of the French nation, the sovereignty of the people, and the abolition of all constituted authorities, &c. The truth is, that the French universally conceived the confederacy, or as they rather chose to style it, the conspiracy formed against them, to be in the highest degree base and unjust. They regarded it not without some colour of reason, as a war resolved upon for the express purpose of subverting the infant liberty of France, of dismembering its provinces,

and of restoring amongst them the reign of despotism. The majority, therefore, thought they were fully justified in defending themselves as they could, and in repelling so unprovoked an aggression, by attacking their enemies in the part wherein they were the most vulnerable. As it was a war against liberty on the part of the combined despots, so on the part of France it was considered as a war against despotism, which was to be conducted upon principles totally different from those which had been known or acted upon in any former war; and if England joined the coalition of despots, they meant no doubt to class her as she classed herself.

When M. Baraillon, known as a professed *modéré* and real royalist, therefore proposed to the convention, to restrict the meaning of the decree of the 19th November, to the countries with which France was actually at war, because it had excited uneasiness in the British government; the previous question was immediately demanded upon it, and the proposition virtually negatived without a debate, as insidiously designed.

Though an oblique threat to England might doubtless be intended by the framers of the decree of the 15th of December, the language of the decree itself, amicably, or even equitably construed, bore no such construction. The preamble to this famous decree contains the following words: "The national convention, faithful to the principles of the sovereignty of the people, which does not permit them to acknowledge any institution that militates against it, decrees, &c." But the sovereignty of the people had been repeatedly recognized since the establishment of the new order of things in France, as perfectly consistent with the principles of the English constitution; nay, as necessarily implied in that constitution, unless the revolution of 1688 were no other than a rebellion, the act of settlement a nullity, and king William, with the monarchs of the 'house of Brunswick, vile and lawless

usurpers. And it is remarkable, that M. Le Brun, in his late excellent answer to lord Gower's notification of recall, expressly styles the English nation, "Un peuple éclairé et fier, qui le premier a reconnu et établi le principe de la souveraineté nationale."

In reference to the decree in question, therefore, it is absolutely necessary to bear constantly in mind, that as the war against France was waged for the express purpose of restoring the ancient despotism, and of subverting the infant freedom of the republic, the French government deemed themselves fully justified, in avowing their intention of destroying the oppressive tyrannies of those who had joined in the flagitious confederacy against them. And if Great Britain, after the torrents of blood she had shed in defence of her own liberties, chose to rank herself with those despots who had combined to destroy the liberty of France, she might certainly infer from this decree, that France would make no exceptions in her favour. As long as England preserved any appearance of amity to France, she was invariably spoken of, not merely in terms of respect, but frequently of flattery and admiration: and if England had not been conscious of the hostile mind she bore to France, she would never have supposed herself included in the scope either of the present decree or the preceding one of November.

The conduct of the executive council, in the critical circumstances they were now placed in, was throughout temperate and laudable. M. Le Brun, in his report to the convention of the 19th of December, declared, "that there was nothing in the English armaments which ought to excite alarm, since they exceeded by four ships of the line only, the number which had been commissioned in the preceding year. And some days after, when thirteen more ships of the line were put into commission, he still affirmed, that the force voted by the English parliament was not formidable, *ne sont pas encore trop effrayans*;



considering, as he added, the difficulty of completing the crews of these vessels for want of mariners. He affirmed, that the council had given express orders to the minister, Chauvelin, to embrace every opportunity of assuring the English nation, that notwithstanding the ill-humour of its government, the French people desired nothing more ardently than to merit its esteem. Also, that in case the armament to which he had alluded should be continued, M. Chauvelin had instructions to declare, that a solemn appeal would be made to the English nation." "An appeal," as M. Brissot afterwards professed to explain it, to the reason and justice of a great nation, duped by the *charlatanisme* of its minister; and he expressed his surprise, that the English court should affect to regard it as an incitement to insurrection." A similar instance of appeal had occurred in the famous declaration of count Palm, the Imperial ambassador, in the year 1726, which excited indeed, a just resentment of the court of London, though it was not regarded as "an incitement to insurrection." But on farther reflection, the governing powers of France wisely abstained from carrying this very obnoxious and exceptionable measure into execution.

After an interval of no less than fourteen days from the meeting of parliament, M. Chauvelin was at length ordered to break silence; and on the 27th of December he presented a note or memorial to lord Grenville, minister for foreign affairs, which offered certainly a very fair opening for an amicable termination of the fatal misunderstanding which had now taken place between Great Britain and France\*. In this letter the offensive meaning of the decree of the 19th of November, is formally and expressly disavowed. The question with a great statesman,

\* On account of the length of the correspondence between M. Chauvelin and lord Grenville, the reader must necessarily be referred to the original letters, to be found in the collection of state papers published in illustration of the present history.

if such an one had fortunately for Britain presided over her councils at this period, would doubtless have been, not whether the explanation offered by M. Chauvelin, was a just interpretation, according to the ordinary rules of grammatical construction ; not whether the comment was proof against all captious criticism, but whether the public and unequivocal disavowal of its supposed meaning did not indicate a real reluctance on the part of France to come to a rupture with England ? whether she did not still wish to reinstate matters on the footing of friendship ; or, if that were impracticable, at least of civility and neutrality ? If France really purposed to break with England, it is the grossest of solecisms to believe that she would have degraded herself by this poor and paltry evasion. No, the decree in question was evidently the unpremeditated effusion of popular exultation and folly ; it passed by acclamation in a moment of enthusiasm and victory ; and with respect to countries which maintained the relations of peace and amity with France, it never had or was designed to have the remotest operation.

The pacific disposition of France is farther evidenced by her positive and voluntary declaration, that she will not attack Holland, if that power does not violate its neutrality. Lastly, by professing to treat the opening of the Scheld as a *trivial question*, the memorial furnished a ready salvo for the honour of the French government, if in the progress of the negotiation it should be found expedient to concede that point to England. Weighed in the great political scale of Europe, the free navigation of the Scheld was indeed a consideration of trivial moment ; and were the present negotiation conducted in the spirit of amity, it might with almost absolute certainty be inferred, that France would not suffer this claim to be an insuperable bar to the successful termination of it.

The uncourteous and uncustomary language respecting ministers, is indeed reprehensible ; and the oblique threat

of appealing to the English nation against the part adopted by its government, or those entrusted to administer it, is equally impolitic and indefensible. The English ministry were at this time, in consequence of their own previous and egregious indiscretion, involved, as it must be confessed, in a situation of great political difficulty; and the negotiation now entered upon was at once one of the most important and delicate that could be conceived. And never was there a minister less qualified than lord Grenville, to conduct and bring to a successful issue a business of such embarrassment and complexity; and which would have afforded full scope to the highest exertion of diplomatic talents—to the address, the urbanity, the superior wisdom of a Temple, a De Witt, or a Bolingbroke.

On the 31st December lord Grenville returned an answer to the memorial of M. Chauvelin, in which not the smallest particle of these requisite qualities is discernible; but the whole is couched in terms of the most studied irritation and insolence. This haughty and incapable minister, uniformly affects to consider the French as the original aggressors in the continental war: he makes not the least allowance for that perturbed state of the public mind, which so singular and perilous a situation as that in which they lately stood, must necessarily have excited: he puts the worst possible construction upon the decree: he takes it for granted that England was included in the scope of it, and refuses to admit any explanation which might tend to remove or rectify whatever umbrage had been occasioned by it\*.

\* This famous decree, in the original language, is as follows:

*Séance du Lundi, 19 Novembre, 1793.*

Lepeaux propose, et la convention adopte la rédaction suivante, " LA CONVENTION NATIONALE déclare au nom de la nation Française qu'elle accordera fraternité et secours à tous les peuples qui voudront recouvrir leur liberté; et charge le pouvoir exécutif de donner aux généraux les ordres né-

The impolitic conduct of England, in refusing to recognize the provisional government of France, so far as to continue the accustomed diplomatic relations subsisting between the two countries, was regarded by the majority of the convention as a renunciation of the principle of neutrality, and an actual interference in the interior concerns of the French nation; and the English government was in consequence treated upon many occasions, in that assembly, with great rudeness and indignity. This false step was, therefore, as soon as possible to be retrieved. M. Chauvelin ought to have been acknowledged as the accredited minister of the French government, and an ambassador immediately sent to Paris. This of itself would have given a totally new face to things, and have produced a great sensation in favour of England. But, on the contrary, lord Grenville embraced with eagerness the present occasion to tell M. Chauvelin, in the most offensive terms, "that he could not be admitted to treat with the king's ministers in the quality, and under the form, stated in his note."

Instead of accepting, with magnanimous indifference to verbal criticisms, the political explanation and apology of M. Chauvelin relative to the decree of November, as was the part of a wise and liberal negotiator, avoiding all retrospect, and looking forward only to future arrangements of amity, lord Grenville chose to avail himself of the petty advantage he possessed, in pointing out the real or supposed inadequacy of the explanation to the terms of the decree; putting, moreover, a most harsh and unwarrantable interpretation upon the explanation itself.

*cessaires pour porter secours à ces peuples, et défendre les citoyens qui auraient été vexé ou qui pourraient l'être pour la cause de la liberté."*

This decree could not, with any plausibility of construction, be supposed to extend to England, which had repeatedly, and in the most flattering terms, been recognized, both by the several assemblies and the executive government, as a free nation, particularly in the recent and admirable reply of Le. Brun to the letter of lord Gower, notifying his recall.



He thought it expedient, also, to allude in the most invidious manner, in this moment of amicable eclaireissement, to the most invidious proceedings of the convention — proceedings which he knew that the executive council could not controul; and what is most of all extraordinary, his lordship declares, that England must not only consider the explanation, *i. e.* the disavowal of France, as unsatisfactory, but as a fresh avowal of those dispositions which she sees with so just an uneasiness and jealousy.

The opening of the Scheld being a secondary consideration in the present state of things, it would have been far better to have passed it over in general terms, reserving the diplomatic *discussion* of right on this topic to a season of more leisure, and better temper. Instead of which, lord Grenville urges his argument respecting this matter at great length, and in language the most insulting. And he sums up the demands of England in a tone of the most insufferable arrogance. “If France is really,” says his lordship, “desirous of maintaining friendship and peace with England, she must shew herself disposed to renounce her views of aggression and aggrandizement, and to confine herself within her own territory,” &c.

If this means any thing, it must import that France, in order to maintain friendship, or even to preserve peace, with England, must relinquish her conquests in the low countries, and elsewhere; a proposition too extravagant to become the topic of serious deliberation. It is true, that the national assembly had established the renunciation of conquest as the basis of the new system; but even that body of philosophical legislators, in their most romantic visions of political perfectibility, could never intend to restrain the French nation, while war was actually raging, and France had been recently invaded, from avenging the injuries she had received, by carrying her arms into the territories of her enemies. And if France, by way of in-

demnity for the past and security for the future, departed from her original purpose, by appropriating some of her conquests to her own use, this could not be a legitimate subject of complaint, since it had been the immemorial practice of all the established, regular, and approved governments in Europe. To require France alone to act upon a principle of perfect disinterestedness, while all other powers were at liberty to pursue their respective plans of ambition and aggrandizement, was rather too hard a condition; and if England would not deign to grant her friendship to France but upon terms which would leave her completely to the mercy of her enemies, it is no wonder that France should decline the insidious favour.

In the mean time, the violent party in France, fully possessed with the idea that a war with England must inevitably take place, kept scarcely any measures in the convention in debating upon this subject. But the leading characters in that assembly connected with the majority of the executive council, held very different and much more guarded language. On the 1st of January, 1793, M. Kersaint, a distinguished naval officer, who stood deservedly high in the public esteem, delivered a very able speech in the convention, from which he deduces the general conclusion, "that they ought to be equally remote from the desire of provoking war, and from the fear of repelling an unjust aggression. The policy of Pitt," says this orator, "is to adopt the language of hostility, in order, by the apprehension of a maritime war, to compel the French to come to terms with their enemies by land, upon the basis of his mediation." Indignant at this idea, he launches out into a most eloquent display of the inexhaustible resources and invincible courage of France, which time has, indeed, fully verified; but of which, he truly says, Mr. Pitt entertained no conception.

On the 12th January, M. Brissot, generally accounted

the head of the governing party in France, and from whom they derived the popular appellation of Brissotine, made a celebrated speech in the convention, on presenting his report from the united committees of foreign affairs, marine, and general defence. In this speech, after enumerating the steps which had been taken by France to preserve amity with England, and the hostile measures recently adopted by that power, he affirms, "that, laying all circumstances together, it is difficult not to conclude, that the cabinet of St. James's, weary of its neutrality, is resolved to take an active part in the coalition which has sworn their ruin. The pride of that monarch, who has so long deplored the ignominy into which royalty has fallen, and from whose breast the event of the American war has not eradicated the fatal inclination of once more combating the spirit of freedom, enforces," he says, "this conviction on the mind. On the other hand, it is evident there exists no solid motive to induce the English ministry to it. Those which are alleged are miserable chicaneries; and it is impossible to deceive the English nation for any length of time, or to persuade her that she ought to expend millions to bar the navigation of the Scheld, or to obtain the explanation of a decree which has been already explained." He then advances divers arguments to prove that the finances of England are totally exhausted; arguments no less futile and fallacious than those subsequently employed by Mr. Pitt, to prove France to be not merely on the verge, but in the gulf, of bankruptcy. In the general tenor of this famous report, there is nothing which can lead us to suppose that a war with England was a favourite object with M. Brissot: far from it. He seems perplexed at the sudden change which had taken place in the English councils, and inclined to believe that a war must, in consequence of that change, sooner or later unavoidably ensue. In the prospect of it, he endeavours to awaken all the ardour, the genius, and

the spirit of his countrymen, in order to animate them to engage in this unlooked-for and arduous contest; and he indulges, or professes to indulge,—if forced to the trial—sanguine expectations of a favourable result from the several circumstances he expatiates upon: but that he was desirous to make the experiment, there exists no shadow of proof, no symptom of probability.

On the 7th January, M. Le Brun, distrusting perhaps the temper of Chauvelin, wrote himself a dispatch, to be communicated to the British minister, lord Grenville, breathing throughout the true spirit of political wisdom; and it was looked up to by the moderate party in France with fond and eager hope, as—like the American petition of Penn—the olive-branch of reconciliation, and like that, also, it was rejected in the very same spirit of haughtiness and infatuation.

Perhaps pride and folly were never carried to a greater height than in the reply of lord Grenville to this truly admirable dispatch. “If this notification,” says his lordship, “had been made to me under a regular and official form, I should have found myself under the necessity of replying,” &c. Again; “under this form of extra-communication I may yet be permitted to tell you,” &c. In the very act of replying, therefore, this arrogant statesman presumes to insinuate, that M. Chauvelin, or rather the government of France, is not to consider his letter as an answer. The whole of the letter is such as might be expected from a politician, guilty, at the outset, of such puerility and presumption.

M. Le Brun, in his excellent memorial, justly considers the dispute as reduced to two specific causes of complaint: the decree of November, with its attendant circumstances; and the navigation of the Scheld. And the English minister states, “that he has found, in the *paper remitted to him*, nothing satisfactory as to these points.”<sup>22</sup> For,



First, “The declaration of *wishing* to intermeddle in the affairs of other countries, is there renewed; no denial is made, or reparation offered, for the outrageous proceedings stated in his lordship’s letter of December 31st.”

That the decree, in the meaning ascribed to it by the court of London, was indefensible, is unquestionable; but as the government of France thought fit to put a friendly, even if it should appear a forced, construction upon it, that interpretation ought undoubtedly to have been admitted. When no act has been done, and when nothing but a supposed principle or general disposition is complained of, an express disavowal of such principle, and denial of such intention, ought to be accepted, because it is all that the case admits of.

To lord Grenville’s perverse and wilful misconstruction of the explanation, an admirable reply is made; and the examples of Henry IV. and queen Elizabeth, are happily adduced in illustration of the true meaning. But if a cavilling negotiator, in the spirit of a chicaning attorney, will not allow the persons with whom he negotiates to understand their own meaning, or explain their own declarations, what can any farther discussion avail? If continued, it must necessarily degenerate into disgusting and acrimonious altercation.

As M. Le Brun took pains to shew that France did not understand the decree in a sense hostile to England, this proved the anxiety of the French government, that it should not be a cause of rupture between the two countries. To pursue the argument farther on the part of the English minister, was in fact to assume the disputatious province of a schoolman, and to resign altogether that of a statesman.

As to the complaint, that no reparation is offered for the rash, and, to adopt lord Grenville’s expression, “outrageous proceedings” of the convention, it may be fairly asked what reparation the executive council had it in their power

to offer? They could not even venture to express their disapprobation of these proceedings, and much less to offer any such reparation as lord Grenville absurdly insisted upon. A just regard to the *king's dignity*, therefore, not to mention the interest of the country, required that as little mention as possible should be made of those irregular and licentious acts committed, when England had withdrawn her ambassador from Paris, and consequently could have no official information of what passed there; and of such a nature, that any negotiator on the part of the English, who deserved the name of a statesman, would have wished to bury them in eternal oblivion. As nothing of this kind had happened previous to the period when England was supposed hostile to France, so when amity was restored, it could not be imagined that any similar outrages would again occur.

*Secondly*, "The right of infringing treaties, and violating the rights of our allies," his lordship says, "is still maintained, by offering an illusory negotiation upon this subject," &c. It is true, that M. Le Brun entered upon an elaborate justification, or rather palliation of the measure adopted by the French, in relation to the Scheld, and that the apology, though ingenious and plausible, is founded upon inadmissible *data*. Certainly, however, the political right of Holland to the exclusive navigation of that noble river, is a most invidious one: to be vindicated only by an appeal to arbitrary and artificial restrictions, in contradistinction to natural and common right, as arising from, and approving itself to the genuine feelings of mankind. That the faith of treaties should be kept sacred, is however a principle of such extensive utility and importance, as to supersede much fair and specious theory. And England was certainly justified in making the opening of the Scheld, to the prejudice of her ally, a subject of complaint, if called upon by Holland, though there existed no necessity for her standing forward, armed cap-

*à-piè*, the unsolicited champion of the Dutch in this obnoxious quarrel.

But the validity of the abstract reasonings of the French minister is of little consequence. The material question is, what are his practical concessions? He declares "that France has renounced, and still renounces all conquest; that she will occupy the Netherlands no longer than the war, and during that time which may be necessary for the Belgians to secure and consolidate their liberty: and that they will leave the dispute relative to the Scheld, to a direct negotiation with the Belgians."

An able statesman would have wished for no fairer opening for a general treaty. The terms on which France was willing to conclude a pacification, not with England only, but with Austria, were here made fully apparent. France was determined that the low countries should not again revert to the Austrian dominion; but she had not yet formed any fixed design of annexing them to her own territory. Considering the actual situation of affairs, this would have been a very equitable compromise. Whether Belgia returned to her former subjection, or whether she was erected into a separate republic, was a matter of small import to England. In both cases, it must be English arms and English money that must preserve that country from becoming a province of France; and had England acceded to this overture, France, if sincere, could not have refused to give adequate security for the execution of it. To this, therefore, the whole attention of the British ministry ought to have been turned: the business of the Scheld being obviously comprehended in the greater question, relative to the relinquishment of Belgium.

In a word, the grand political danger to which Great Britain in the present crisis was exposed, appeared evidently to be, that France, in the height of the elation excited by her recent successes, would annex for ever the

Belgic provinces to her empire, as she had already annexed the duchy of Savoy. That she had not proceeded to this extremity, notwithstanding the ambitious views of aggrandizement she had now disclosed, and the great temptation which they held out, could not possibly be ascribed to any other motive than the desire of her government not to involve itself in a war with England. There was indeed a formidable party in France, which, enraged at the conduct of England, and eager to exalt the power and grandeur of the republic, would have ventured without hesitation upon this measure. And Danton, the chief of this party, formally made the proposition in the convention at the latter end of January 1793. Then it was that the memorable words were pronounced by this orator, "Les limites de la France sont marquées par la nature. Nous les atteindrons dans leurs quatre points à l'Océan, au Rhin, aux Alpes, aux Pyrénées." In his style of terrific eloquence, speaking of the enemies of France, he said, "vous leur avez jetté le gant ; ce gant est la tête d'un Roi-c'est le signal de leur mort prochaine."

At this time almost every hope of reconciliation with England had vanished, yet the proposition of Danton was over-ruled. The Girondists most reluctantly regarded Britain as ranking with the decided enemies of France. Urged as they were by their powerful and popular antagonists, the question of incorporation was not determined even by the commissaries at Brussels, till the 3d February, in the immediate prospect of a war, upon the actual declaration of which against England, it was irreversibly decreed amidst the loud and universal acclamations of the convention.

In the memorial of M. Le Brun, it is voluntarily and expressly declared by the executive council, that the occupation of the Netherlands will continue no longer than the war. This was precisely the concession which England had most reason to wish, and if France was earnest in her



desire of peace, to expect. Nothing therefore remained for the English minister, but to signify in handsome and conciliatory language, the acceptance on the part of England, of the terms proposed as a basis of negotiation, and to inquire what security France was prepared to offer for the performance of her engagement. Instead of this mild and moderate mode of procedure, lord Grenville tells the ambassador, "under a form," as he takes care to insult M. Chauvelin and the French government, by repeatedly reminding him of extra-official communications, "that his explanations are not considered as sufficient; that what he has advanced is unsatisfactory; that his offers are *illusory*, and that *ALL the MOTIVES which gave rise to the preparations, STILL continue!*" repeating the same extravagant and insolent demand, *that France should immediately evacuate her conquests*, which he had made in his former note, to which he refers. A more palpable and egregious act of political pride and folly, or one attended with more fatal consequences, does not occur, it may be safely affirmed, in the diplomatic annals of Europe.

On the 17th of January, 1793, while the dispatch of M. Le Brun was still under deliberation, M. Chauvelin tendered to lord Grenville, the letters of credence recently received from the government of France. On the 18th, lord Grenville returned his answer to the dispatch, and on the 20th, he transmitted a second letter to M. Chauvelin, informing him, "that under the present circumstances," *i. e.* while a negotiation was depending between the two countries of the highest importance, and the success of which might depend upon the recognition of the ambassador, "his majesty does not think proper to receive them." Is it possible to offer a better or wiser reason for this refusal, than that which Mr. Fox assigned in a celebrated speech in parliament, *viz.* "that the heads of

the executive council in France, had not been anointed from the holy oil-cruise before the altar of Rheims?"

The recognition in question, was by no means a matter of mere external decorum, or of court etiquette, but of high consideration and national policy. Allowing the French nation to be ever so politically culpable, is there any trace of sense or reason in a pertinacious refusal to style that a government, which we are compelled to treat as such, though it were founded in violence and usurpation? Did any of the powers of Europe argue in this manner in the case of Cromwell? Had we not affairs of great importance to transact with this government, whether it were regular or irregular, lawful or unlawful? And could a refusal to acknowledge it as a government, answer any purpose, but that of irritation? In whom at this period did the government of France reside, if not in the executive council and convention? And with whom did the right inseparable from a government, as such, to nominate agents to treat with other governments, inhere, if not in them? Surely not in the degraded, powerless, unfortunate monarch! Lord Grenville certainly had not studied the science of politics in the school of Grotius, who expressly says, "a prince does not stipulate for himself, but for the people under his government; and a king deprived of his kingdom, loses his right of sending ambassadors."—*Grotius de Bell.*

Neither the existence nor the permanence of the new republic depended upon the recognition of the English court; and the interests of the two countries imperiously demanded, that some open and authorized mode of communication should be established between them. Had this recognition been made in that negative form, which the uninterrupted residence of lord Gower would have implied, there would have existed no necessity for making it in a more positive manner. But those blind and rash

statesmen who, for the misfortune of Britain, directed her councils at this period, chose to place this question foremost upon the canvas, and to make an express and formal dispute of it; thus virtually contesting to France its having an organ left wherewith to address foreign powers.

No sooner was this final and peremptory refusal to recognize the republic in the person of its ambassador, known at Paris, than an order of recall was transmitted to M. Chauvelin by the executive council. But though this step was doubtless deemed indispensable, the council did not yet relinquish the fond and fruitless wish for peace.

On the 26th of January, three days after the recall of Chauvelin, M. Maret, the confidential agent of the council, approved by Mr. Pitt in preference to the ambassador, and of a disposition eminently mild and conciliatory, was dispatched by the council to London, with new powers and fresh instructions. What was the specific nature of those instructions, yet remains a secret; but there is ground to believe, that the concessions he was empowered to make were very great. No sooner was he landed at Dover, than he was informed that M. Chauvelin had been ordered (January 24th) to depart the kingdom in eight days. This was the consequence of the intelligence received on that day, of the fatal death of the king of France on the 21st. M. Maret immediately wrote to M. Le Brun for fresh orders, and proceeded to the metropolis. In the actual circumstances of the case, not deeming himself empowered to demand an interview, or to make any direct overture, he contented himself with sending a short note to lord Grenville, informing him that he had come over to take charge of the diplomatic papers in the house of the French envoy. Of this his lordship took not the least notice. M. Maret remained therefore *incognito* in London, till the intelligence arrived of the French declaration of war. This

was the immediate result of the hostile dismissal of Mr Chauvelin. Such dismissal, conformably to the tenor of the second article of the treaty of 1786, which the court of London had recently acknowledged to be still in force, being equivalent to a declaration of war on the part of Great Britain, on being apprized of this great event, M. Maret sent a second letter to lord Grenville to take leave, and returned to Paris.

Such is the simple statement of facts, relative to the great and momentous question of the origin of the war of 1793. And it might well seem sufficient to rest the merits of the question upon this clear and plain statement, were it not, for fuller satisfaction, advisable to reply to certain objections speciously urged against it.

It is affirmed in general, that notwithstanding the reiterated professions of the French government, and their pretended concessions relative to the points in dispute, there existed a real, though secret, determination to engage in a war with England at all events. This is said to appear,

I. From the oath taken by all the members of the national assembly (September 4, 1792) of hatred to kings and royalty, in the scope of which, England, as well as the continental powers, must be included. But if so, why was not this oath made a subject of complaint at that period? why was not the resentment of the English government excited by it? and why did the court of London continue, long after this time, her professions of strict and perfect neutrality? The plain fact is, that the oath extended, and was well understood to extend, merely to the kingly and royal government of France, the subversion of which had just taken place, and the restoration of which they abhorred and deprecated. If England is at liberty to declare her detestation of republican principles, without involving any reflection upon the free republics of Holland and Switzerland, why might not the govern-



ment of France declare its abhorrence of monarchical principles, in which the king of England had no more reason to think himself personally alluded to, than the king of Melinda. Kingly government is, in its own nature, certainly consistent with political and civil liberty; though from peculiar circumstances it might, with good reason, or at least with great probability, be deemed incompatible with the secure establishment of a free constitution in France.

II. The same inference is deduced, with still less plausibility, from the violent speeches made by Carra, Danton, Barrere, and other demagogues in the convention; which no more exhibited the real sentiments of that body, than the passionate declamations of Burke and Windham conveyed the genuine sense of the British house of commons. The manner in which the seditious addresses were received at a subsequent period, originated entirely in the opinion then entertained by a majority of the convention, of the inveterately hostile disposition of the English court.

III. It is said that Monge, minister of marine, and consequently a member of the executive council, on the very day that lord Grenville's answer was delivered to Chauvelin, transmitted a circular letter to the sea-port towns in France, of the most inflammatory nature, and the farthest in the world from pacific. "Le roi et son parlement," says this minister, "veulent nous faire la guerre. Les republicains Anglais le souffriront-ils? Dejà ces hommes libres témoignent leur mécontentement, et la répugnance qu'ils ont à porter les armes contre leurs freres les François. Eh bien! nous volerons à leurs secours; nous ferons une descente dans cette isle. Nous y lancerons cinquante mille bonnets de la liberté. Nous y planterons l'arbre sacré et nous tendrons les bras à nos frères republicains. La tyrannie de leur gouvernement sera bientôt détruit. Que chacun de nous se pénétre fortement de cette idée."

Also, on the 7th January, the day on which the famous dispatch of Le Brun to Chauvelin was dated, a minute, or resolution, of the executive council was transmitted by them to the municipality of St. Malo, and no doubt to many other persons and places, calculated to rouse the people to a war with England. In the reply of the conseil-general of the commune to the letter of Monge, it is said : “ A l’instant où nous avons reçu votre lettre avec la délibération du conseil exécutif, en date du 7 Janvier, nous nous sommes empressés de concert avec l’ordonnateur civil de lui donner la plus grande publicité, par la voie de l’impression ; bien certain que nos concitoyens seraient jaloux de prouver leur patriotisme, en entrant dans les vues du pouvoir exécutif, et faisant leurs efforts pour co-opérer de tous leur moyens à anéantir les tyrans, et les hordes d’esclaves ligués contre notre liberté.”

But in reply to this, it is obvious to remark, that Monge, as well as another member of the executive council, Pache, were of the jacobin faction, who deemed the republic disgraced by the temporizing and pusillanimous measures of the governing party. These violent spirits, regarding England as having already virtually joined the coalition against France, were eager to engage in an open declaration of war with that power, and sanguine in their expectations of a general revolt against the government. The annexation of the low countries to France, would, as they knew, be the immediate consequence of this declaration, and they entertained the magnificent ambition of making the Rhine the boundary of the Gallic republic. The letter of Monge was, therefore, perfectly in character ; and no inference can be drawn from it to the prejudice of the governing party, which had not sufficient influence to exclude their antagonists entirely from the management of affairs. As to the minute, or resolution, of the executive council, above alluded to, it does not appear to have been in the smallest degree exceptionable. The

impression which the dispatch of Le Brun might make upon the English government, was very doubtful. However anxious the council might be for peace, it was necessary to prepare for war. Did England remit her hostile preparations during this interval? did she not, on the contrary, declare in positive terms, that she would not discontinue them? and is it fair or just to style that duplicity in France, which in any other nation would be regarded as the result of prudence, or rather, of common sense?

IV. A specious and imposing argument against the good faith of the French government is, the order issued by the executive council, January 10th, three days after the date of Le Brun's dispatch, to general Miranda, who, in the absence of general Dumourier, commanded the French army in the Netherlands, to invade Dutch Flanders, and the province of Zealand, in twelve days at farthest. This admits, however, of a very easy solution, on the hypothesis that France was sincerely solicitous to effect an amicable accommodation with England. Upon a general review of the events which had taken place in such quick succession during the last thirty days—the proclamation for calling the parliament, the artifices of alarm, the embodying of the militia, the openly hostile speech of the king, the inimical bills, and, above all, the haughty and implacable spirit of lord Grenville's answer to M. Chauvelin's memorial—it is morally certain that M. Le Brun, in his excellent dispatch of the 7th January, must have entertained very faint hopes of the final success of the negotiation; and it was known, from the strict alliance and reciprocal engagements subsisting between England and Holland, that hostilities with the latter must be the inevitable consequence of a war with the former. M. Dumourier, at a still earlier period, auguring an unfavourable issue to the negotiation, himself assures us, "that he informed the minister, Le Brun, in his dis-

patches from the Netherlands, December 1792, that it was impossible to advance, or even to defend the Meuse, without being in possession of Maestricht. The garrison was incomplete, and the place so ill provided, that it could not have held out a single week. Le Brun, in answer to the reiterated demands of the general, commanded him to observe a strict neutrality, which was maintained with the utmost precision, although the Dutch government did not give itself the trouble of dissembling its predilection to the Imperialists and Prussians. A prohibition, under pain of death, had just been established, forbidding any provisions to be delivered to the French army; while immense magazines were established, with the consent of the Dutch government, on the Lower Rhine, for the emperor and the king of Prussia\*.”

At this period, the executive council indulged flattering hopes of a reconciliation with England: those hopes were now much weakened. The reply of lord Grenville, which could not fail to arrive within twelve days, would, however, be decisive. If favourable, the order to Miranda would, of course, be revoked; if otherwise, the French government secured the advantage of an early attack and surprise. The order mentions, it is true, twelve days *at farthest*; and M. Dumourier, in transmitting it, says to Miranda, “there is no time to lose;” and “that the whole depends upon promptitude and secrecy.” And certainly an invasion within twelve days would display great promptitude, and its concealment would require great secrecy. In fact, general Dumourier, and consequently the executive council, well knew the impossibility of putting the plan of invasion in immediate execution. General Miranda himself, in his answer to Dumourier, says, “de crois votre plan bien difficile à exécuter dans la situation de nudité, et manque absolu de magasins où

\* Memoirs, vol. iii. p. 407.



nos armées se trouvent." And so convinced was general Dumourier, and the council, of the truth of this representation, that the project was, for the present, entirely laid aside.

V. The testimony of M. Dumourier has been adduced, to prove the good faith of England, and the total want of sincerity in France. That extraordinary man has asserted in his Memoirs, vol. i. p. 103, "that it would have been extremely easy for France to have avoided a war with England." And in the same volume, speaking of his own residence at Paris at the beginning of January 1793, while Le Brun was carrying on the negotiation with England, and at the same time concerting measures with Dumourier for the next campaign, he expressly says, "that Le Brun desired the general to pay no regard to the negotiation." It has been, moreover, asserted, that the last effort for peace on the part of France, viz. that in which M. Maret was engaged, proceeded entirely from the general, in direct opposition to the sentiments of the executive council.

All this is either untrue, or entirely foreign to the purpose. M. Dumourier is unquestionably warranted in asserting, that France might with ease have avoided a war with England, had she uniformly acted upon a system of moderation and discretion; and not with England merely, but probably with all other powers, who were eagerly watching to take advantage of her errors. But when, in consequence of the provocations and aggressions of France, the anger and resentment of England were carried to so extravagant a pitch, that they could be appeased only, on the part of France, by relinquishing all her conquests, and rescinding all her decrees, France could not avoid a war with England, without leaving herself completely at the mercy of her enemies. France must, doubtless, bear her share of blame; but an infinite preponderance of guilt is attributable to the party which, not perhaps ori-

ginally culpable, brings matters to the last dreadful extremity, by proudly and obstinately refusing to accept of reasonable reparation for affronts or injuries received.

As to the language of Le Brun, when in conference with Dumourier, it is obviously no other than a statesman would naturally, while a negotiation was pending, use to a general in respect to his warlike preparations, especially if he knew that the negotiation must terminate shortly, and had little expectation of its terminating successfully. Upon the whole it is perfectly evident, from an inspection into the Memoirs of general Dumourier, that he entertained no doubt whatever of the sincerity of the executive council relative to the negotiation; while on the contrary, he intimates the strongest suspicions of Mr. Pitt and the English cabinet. How far the purposed revival of the negotiation in the person of M. Maret, is to be ascribed to general Dumourier, will be best ascertained by a concise and accurate summary of facts.

It appears, from broken and imperfect evidence indeed, upon the whole probable, that there were in the British cabinet, certain persons a little cooler and wiser than the rest, who secretly wished for peace, and that Mr. Pitt himself was of the number. But that minister had at no time displayed that commanding foresight which marks a superior mind, or that controlling prudence which ought to characterize the man upon whom depends the fate of millions. At no time had he ever endeavoured to stem the torrent of public prejudice, or to make the people calm and wise, when they were inflamed and ignorant. The stream of public opinion he had always submitted patiently and diligently to watch, and to float upon its surface, not in any one instance to alter or direct its course. In the present crisis he had not energy of mind openly or publicly to oppose those frantic measures of alarm, which were carrying the nation with headlong violence into a bloody and desperate war; but he attempted

with secret and feeble efforts, ineffectually to counteract them. He had early in the negotiation desired that M. Chauvelin might be superseded by M. Maret, whose temper and mode of negotiating were more mild and flexible than those of M. Chauvelin, and with whom Mr. Pitt could hold more frequent and unrestrained intercourse; but this the executive council, fearing to offend the party with which the ambassador was connected, thought proper to decline, although M. Le Brun wrote the following dispatch with his own hand; doubtless to obviate any ill effect apprehended from M. Chauvelin's roughness and want of address.

Three days, however, after the recall of M. Chauvelin, the executive council sent M. Maret on a confidential mission to London, with fresh instructions of great moment; but the object of this mission was frustrated by the previous and hostile dismissal of Chauvelin. M. Dumourier left Paris on the same day with M. Maret. In the mean time, as general Dumourier himself informs us, (Mem. vol. i. p. 128) De Maulde, a confidential agent of the executive council at the Hague, had been assured by lord Auckland, that the British cabinet would have no objection to negotiate with general Dumourier; and that Mr. Pitt himself had made a declaration to the same purpose. The imbecility and incongruity of the British councils are placed in the most striking point of view, when we reflect that precisely at this period (January 25), copies of the papers which had passed between lord Grenville and M. Chauvelin, were laid before the States-general by lord Auckland, accompanied with a memorial of such a nature, that all the collections of diplomatic papers ever published, may be safely challenged to furnish any thing similar to it. Under the veil and pretence of being an official document, it contained a most furious and rancorous invective against the French revolution and its authors; discovering a strange and total disregard to the

dignity and decorum of the character and station of an ambassador. In this lunatic state paper, the terms “wretches,” “miscreants,” “villany,” “atrocitiy,” “infamous,” &c. were used with as little reserve as if authorized by diplomatic prescription.

On the arrival of general Dumourier in Flanders, he proposed, in consequence of the intimation given to De Maulde, a conference with lord Auckland at some place near the borders ; which proposal, as M. Dumourier tells us, was received by his lordship with the greatest pleasure, and he instantly, with the approbation of general Dumourier, communicated the proposition to the grand pensionary Van Spiegel, who also consented to take part in the conference. His lordship dispatched three successive packet-boats to England, for the information of his court, and to obtain instructions. He said “the answer would soon arrive, and that it was by no means his design to amuse the general, or to delay his plans or preparations for the next campaign.” It was decided, that as soon as lord Auckland received the answer from his court, that the conference should be held at the Moerdyke, on board the yacht of the prince of Orange.

M. Dumourier, however, placed so little confidence in lord Auckland’s professions, that he entertained strong suspicions of an insidious design on the part of the English government. “On pourrait crire,” says he, “que le ministre Pitt n’aurait voulu qu’amuser le général Dumourier.” In this conjecture, however, he was probably mistaken. The English government consented with the utmost facility to the proposed conference at the Moerdyke, and formally authorized lord Auckland to treat with Dumourier. On the receipt of his instructions, lord Auckland dispatched a courier to the general, who was then at Antwerp, and proposed the 10th of February for holding the first conference. But this design was altogether suspended, by the declaration of war on the part of



France against Great Britain and Holland, on the 1st of that month.

The executive council were apprized of the secret overture made to De Maulde before M. Dumourier's departure from Paris ; and this appears to have incited them to try the event of another effort, through the medium of M. Maret—not being very willing probably to transfer a business of this nature from civil to military hands. A difference of opinion, however, arose on this occasion in the council, and M. Clavieres joined Monge and Pache, in thinking the mission useless and superfluous. But the opinion of M. Le Brun and Garat finally prevailed, and M. Maret was dispatched with great powers. But as it was requisite to keep M. Dumourier in good humour, he was told that M. Maret's mission was merely designed to precede and facilitate his. “ On envoie,” says the general in a letter to Miranda, “ un agent secret fort connu de M. Pitt ; pour demander un sauf conduit pour moi, et l'assurance d'être bien venu,” &c. And in his Memoirs he tells us, “ Il fut décidé que Maret qui avait déjà fait plusieurs voyages es Angleterre, y serait renvoyé pour savoir de M. Pitt, si réellement il souhaitait traiter personnellement avec le général Dumourier.”—*Tom. i. p. 121.*

To attribute the merits of this last effort to preserve the peace of two great and powerful nations, to M. Dumourier, in contradistinction to the executive council, is evidently absurd. It was a civil, and not a military transaction ; and M. Dumourier could do nothing without the express sanction and authority of the council, who went indeed far greater lengths to attain the object in view, than his vanity would suffer him to suspect. For even when he wrote the account, as it appears in his Memoirs, he was so ignorant of the extent and importance of M. Maret's mission, that he represents that able and excellent negotiator as merely sent to prepare the way for

him\*. The stubborn fact, that new and voluntary concessions were made by the executive council, through the medium of M. Maret, is at all events indubitably ascertained by the positive testimony of Mr. Miles, to whom his instructions were confidentially communicated; and if those concessions were so great as Mr. Miles frankly represents them to have been, they must have proved their own sincerity. For the only great political question really at issue was, what security the French would give for the restitution or relinquishment of the Netherlands at the æra of a general peace; which, if England had been the mediator of it, would in all probability have been easily and speedily re-established.

VI. It is triumphantly alleged, that the American government, which could not be suspected of a bias in favour of Great Britain, had formally pronounced the war of France against England, to be an offensive war on the part of the former.

The grand and laudable object of the government of America, and of every wise man of every political party included in that government, was to maintain an absolute neutrality between the two contending powers, and not to be drawn into a war with which she had no natural or political concern. But by the eleventh article of the treaty of alliance with France, signed at Paris, February 1778, America agreed to guarantee for ever to that power, the actual possessions of France in the West Indies. It was therefore a matter of the utmost moment to America, in the present circumstances, to find out some plausible pretext to evade the inconvenience which might eventually result from this guarantee. The president, Washington, in consequence put several questions relative to the situation

\* Vide Memoirs of Dumourier, compared with the correspondence of Miles, and the documents quoted by Marsh.

of affairs, to his council of state, for the guidance of his conduct in this emergency. To the two first questions, whether an ambassador from the REPUBLIC OF FRANCE should be received? And whether it were fitting that the treaties heretofore made with France should be considered binding in the present circumstances? the council answered in the affirmative. To the third question, Is the guarantee in the treaty of alliance applicable to a defensive war only? they also answered affirmatively. And to the last question, whether the war was defensive or offensive? they replied, “entirely and unequivocally offensive.”

This has been represented as a decision not liable to the slightest suspicion of partiality, and as in a manner dictated by the voice of justice herself. But though it will easily be admitted to be the verdict of a government which could not be suspected of a bias in favour of Great Britain, as they were not deciding upon an abstract proposition; they may possibly by some persons be suspected of a bias in favour of themselves. France, however, perfectly sensible of the embarrassing situation of America, and resting satisfied with the concessions in her favour, contained in the two first answers, shewed no resentment at this verdict in favour of England, extorted by the necessity of the case, and in a literal sense, justified by the French declaration of war against Great Britain, though not in the least affecting the real merits of the question, as the persons whose names are subscribed to the answers were much too enlightened not to know; and which Mr. Jefferson, the then secretary of state, and now president elect, would, as there is good reason to believe, be the first to acknowledge.

In consequence of these answers, a proclamation was immediately issued, declaring that the United States would remain neutral towards all the powers at war.

Such was the important and advantageous result of a decision which the deplorable blindness and bigotry of party, have represented as not liable to the slightest suspicion of partiality.

MEMORIAL FROM M. CHAUVELIN, MINISTER OF  
FRANCE, TO LORD GRENVILLE,

DECEMBER 27, 1792.

THE undersigned minister plenipotentiary of France, has the honour to communicate to lord Grenville, the instructions which he has received from the executive council of the French republic; with orders to lay them before his Britannic majesty's secretary of state for the department of foreign affairs, in case he should think that he could not speedily enough obtain an interview with the minister.

The French government, by continuing since the recall of lord Gower from Paris, to leave at London a minister plenipotentiary, thought they gave to his Britannic majesty an unequivocal proof of the desire they had to remain in good understanding with the British court, and to see all those clouds dissipated, to which events necessary and inseparable from the internal government of France seemed then to give birth. The interests of the executive council of France toward England, have never ceased to be the same; but they cannot see with indifference the public conduct which the British ministry observe at present toward France. It is much to be regretted, that they have perceived in this conduct, an indisposition which they still force themselves not to believe. They think it a duty, however, which they owe to the French nation, not to leave it much longer in that state of uncertainty into which it has been thrown by several



measures lately adopted by the British government ; an uncertainty in which the English nation must share, and which must be equally unworthy of both.

The executive council of the French republic have consequently authorized the minister of France at London, to demand with openness of the ministers of his Britannic majesty, whether France ought to consider England as a neutral or hostile power, and have particularly charged him to obtain on this point a definitive answer. But in demanding from the ministers of his Britannic majesty, an open and candid explanation of their intentions toward France, the executive council do not wish that the smallest doubt should exist respecting the disposition of France toward England, and of its desire to remain at peace with it. They even wish to answer previously to all those reproaches which may be thrown out against France, in order to justify England. Reflecting on the reasons which might determine his Britannic majesty to break with the French republic ; the executive council can see them only in a false interpretation given perhaps to the decree of the national convention, of November 19. If the British ministry are really alarmed by that decree, it can only be for want of comprehending the true meaning of it. The national convention never intended that the French republic should favour insurrections, and espouse the cause of a few seditious persons, or in a word, that it should endeavour to excite disturbance in any neutral or friendly country whatever. Such an idea would be rejected by the French nation. It cannot without injustice, be imputed to the national convention. This decree then is applicable only to those people, who after having conquered their liberty, may request the fraternity and assistance of the French republic, by a solemn

and unequivocal expression of the general will\*. France not only ought and wishes to respect the independence of England, but that also of its allies, with whom it is not at war. The undersigned therefore has been charged to declare formally, that France will not attack Holland, while that power confines itself on its part within the bounds of strict neutrality. The British government being thus assured respecting the two points, no pretence for the least difficulty can remain, but on the question of opening the Scheld; a question irrevocably decided by reason and justice, of little importance in itself, and on which the opinion of England, and perhaps even of Holland, are too well known, to render it difficult to make it seriously the sole cause of the war. Should the British ministry, however, embrace this last motive to induce them to declare war against France, would it not then be probable, that their private intention was to bring about a rupture at any rate, and to take the advantage at present of the most futile of all pretences, to colour an unjust aggression long ago meditated?

On this fatal supposition, which the executive council rejects, the undersigned would be authorized to support with energy the dignity of the French people; and to declare with firmness, that a free and powerful nation will accept war, and repel with indignation an aggression so manifestly unjust, and so unprovoked on their part. When all these explanations, necessary to demonstrate the purity of the intentions of France, and when all peaceful and conciliatory measures shall have been exhausted

\* Decree of the 19th November, is as follows:

*Séance du Lundi, 19 Novembre, 1792.*

Lepeaux propose, et la convention adopte la rédaction suivante, " LA CONVENTION NATIONALE déclare au nom de la nation Française, qu'elle accordera fraternité et secours à tous les peuples qui voudront recouvrir leur liberté; et charge le pouvoir exécutif de donner aux généraux les ordres nécessaires pour porter secours à ces peuples, et défendre les citoyens qui auraient été vexés ou qui pourraient l'être pour la cause de la liberté."

by the French nation, it is evident that the whole weight and the whole responsibility of the war will, sooner or later, fall upon those who have provoked it. Such a war would really be the war of the British ministry only against the French republic; and should this truth appear for a moment doubtful, it would not, perhaps, be impossible for France to render it soon evident to a nation which, in giving its confidence, never renounced the exercise of reason, and its respect for justice and truth.

Such are the instructions which the undersigned has received orders to communicate officially to lord Grenville; inviting him, as well as all the council of his Britannic majesty, to weigh with the most serious attention the deliberations and demands which they contain. It is evident that the French nation desires to preserve peace with England. It proves this by endeavouring, with candour and openness, to remove every suspicion which so many passions and various prejudices are continually labouring to excite against it; but the more it shall have done to convince all Europe of the purity of its views, and the rectitude of its intentions, the greater right it will have to a claim of being no longer misunderstood.

The undersigned has orders to demand a written answer to the present note. He hopes that the ministers of his Britannic majesty will be induced, by the explanations which it contains, to adopt ideas favourable to a good understanding between the two nations; and will have no occasion, in order to return to them, to consider the terrible responsibility of a declaration of war, which would incontestably be their work, the consequences of which could be only fatal to both countries, and to all mankind, and in which a generous and free people could not long consent to betray their own interests, by serving to assist and support a tyrannical coalition.

(Signed)

CHAUVELIN.

## LORD GRENVILLE'S ANSWER,

DEC. 31, 1792.

SIR,

*Whitehall.*

I HAVE received from you a note, in which, styling yourself minister plenipotentiary of France, you communicate to me, as the king's secretary of state, the instructions which you state to have yourself received from the executive council of the French republic. You are not ignorant that, since the unhappy events of the 10th of August, the king has thought proper to suspend all official communication with France. You are yourself no otherwise accredited to the king than in the name of his most Christian majesty. The proposition of receiving a minister accredited by any other authority or power in France, would be a new question, which, whenever it should occur, the king would have the right to decide according to the interests of his subjects, his own dignity, and the regard which he owes to his allies, and to the general system of Europe. I am therefore to inform you, sir, in express and formal terms, that I acknowledge you in no other public character than that of minister from his most Christian majesty; and that, consequently, you cannot be admitted to treat with the king's ministers in the quality, and under the form, stated in your note.

But observing that you have entered into explanations of some of the circumstances which have given to England such strong grounds of uneasiness and jealousy, and that you speak of these explanations as being of a nature to bring our two countries nearer, I have been unwilling to convey to you the notification stated above, without at the same time explaining myself clearly and distinctly on the subject of what you have communicated to me, though under a form which is neither regular nor official.



Your explanations are confined to three points :

The first is that of the decree of the national convention of the 19th of November, in the expressions of which, all England saw the formal declaration of a design to extend universally the new principles of government adopted in France, and to encourage disorder and revolt in all countries, even those which are neutral. If this interpretation, which you represent as injurious to the convention, could admit of any doubt, it is but too well justified by the conduct of the convention itself. And the application of these principles to the king's dominions has been shewn unequivocally, by the public reception given to the promoters of sedition in this country, and by the speeches made to them precisely at the time of this decree, and since on several different occasions.

Yet notwithstanding all these proofs, supported by other circumstances which are but too notorious, it would have been with pleasure that we should have seen here such explanations, and such a conduct, as would have satisfied the dignity and honour of England with respect to what has already passed, and would have offered a sufficient security in future, for the maintenance of that respect towards the rights, the government, and the tranquillity of neutral powers, which they have on every account the right to expect.

Neither this satisfaction nor this security is found in the terms of an explanation, which still declares to the promoters of sedition in every country, what are the cases in which they may count before-hand on the support and succour of France; and which reserves to that country the right of mixing herself in our internal affairs whenever she shall judge it proper; and on principles incompatible with the political institutions of all the countries of Europe. No one can avoid perceiving how much a declaration like this is calculated to encourage disorder and revolt in every country. No one can be ignorant, how con-

trary it is to the respect which is reciprocally due from independent nations, nor how repugnant to those principles which the king has followed on his part, by forbearing at all times from any interference whatever in the internal affairs of France. And this contrast is alone sufficient to shew, not only that England cannot consider such an explanation as satisfactory, but that she must look upon it as a fresh avowal of those dispositions which she sees with so just an uneasiness and jealousy.

I proceed to the two other points of your explanation, which concern the general dispositions of France with regard to the allies of Great Britain, and the conduct of the convention and its officers relative to the Scheld. The declaration which you there make, "that France will not attack Holland so long as that power shall observe an exact neutrality," is conceived nearly in the same terms with that which you were charged to make in the name of his most Christian majesty in the month of June last. Since that first declaration was made, an officer, stating himself to be employed in the service of France, has openly violated both the territory and the neutrality of the republic, in going up the Scheld to attack the citadel of Antwerp, notwithstanding the determination of the government not to grant this passage, and the formal protest by which they opposed it. Since the same declaration was made, the convention has thought itself authorized to annul the rights of the republic, exercised within the limits of its own territory, and enjoyed by virtue of the same treaties by which her independence is secured. And at the very moment when, under the name of an amicable explanation, you renew to me in the same terms, the promise of respecting the independence and the rights of England and her allies; you announce to me that those in whose name you speak, intend to maintain these open and injurious aggressions.

It is not certainly on such a declaration as this, that any

reliance can be placed for the continuance of public tranquillity.

But I am unwilling to leave without a more particular reply, what you say on the subject of the Scheld. If it were true, that this question is in itself of little importance, this would only serve to prove more clearly, that it was brought forward only for the purpose of insulting the allies of England, by the infraction of their neutrality, and by the violation of their rights, which the faith of treaties obliges us to maintain. But you cannot be ignorant, that here the utmost importance is attached to those principles which France wishes to establish by this proceeding, and to those consequences which would naturally result from them; and that not only those principles and those consequences will never be admitted by England, but that she is, and ever will be, ready to oppose them with all her force.

France can have no right to annul the stipulations relative to the Scheld, unless she have also the right to set aside equally all the other treaties between all the powers of Europe, and all the other rights of England, or of her allies. She can even have no pretence to interfere in the question of opening the Scheld, unless she were the sovereign of the low countries, or had the right to dictate laws to all Europe.

England never will consent, that France shall arrogate the power of annulling at her pleasure, and under pretence of a pretended natural right, of which she makes herself the only judge, the political system of Europe established by solemn treaties and guaranteed by the consent of all the powers. This government, adhering to the maxims which it has followed for more than a century, will also never see with indifference, that France shall make herself either directly or indirectly sovereign of the low countries, or general arbitress of the rights and liberties of Europe. If France is really desirous of maintain-

ing friendship and peace with England; she must shew herself disposed to renounce her views of aggression and aggrandizement, and to confine herself within her own territory, without insulting other governments, without disturbing their tranquillity, without violating their rights.

With respect to that character of ill-will which is endeavoured to be found in the conduct of England toward France, I cannot discuss it, because you speak of it in general terms only, without alleging a single fact. All Europe has seen the justice and the generosity which have characterized the conduct of the king. His majesty has always been desirous of peace; he desires it still; but such as may be real and solid, the consistent with the interests and dignity of his own dominions, and with the general security of Europe.

On the rest of your paper I say nothing. As to what relates to me and my colleagues, and king's ministers owe to his majesty the account of their conduct; and I have no answer to give to you on this subject, any more than on that of the appeal which you propose to make to the English nation. This nation, according to that constitution by which its liberty and its prosperity are secured, and which it will always be able to defend against every attack, direct or indirect, will never have with foreign powers, connexion or correspondence except through the organ of its king; of a king whom it loves and reveres, and who has never for an instant separated his rights, his interests, and his happiness, from the rights and interests, and the happiness of his people.

GRENVILLE.



OFFICIAL NOTE OF THE EXECUTIVE COUNCIL OF  
FRANCE, IN REPLY TO THE PRECEDING,

JANUARY 7, 1793.

THE provisional executive council of the French republic, before they reply more particularly to each of the points comprehended in the note remitted to them on the part of the minister of his Britannic majesty, will begin by repeating to that minister, the most express assurances of their sincere desire to maintain peace and harmony between France and England. The sentiments of the French nation toward the English, have been manifested during the whole course of the revolution, in so constant, so unanimous a manner, that there cannot remain the smallest doubt of the esteem which it vows to them, and of its desire to have them for friends.

It is then with great reluctance, that the republic would see itself forced to a rupture, much more contrary to its inclination than to its interest. Before it proceeds to such a disagreeable extremity, explanations are necessary; and the object of them is so highly important, that the executive council have not thought that they could entrust them to a secret agent, always to be disavowed. For this reason they have thought proper, under every point of view, to entrust them to citizen Chauvelin, though he is not accredited to his Britannic majesty but from the late king.

The opinion of the executive council on this occasion, is justified by the manner in which our negotiations are at the same time carried on in Spain, where citizen Bourgoign was exactly in the same situation as citizen Chauvelin at London: which, however, has not prevented the minister of the Catholic king from treating with him on a convention of neutrality, the ratification of which

is to be exchanged at Paris between the minister for foreign affairs and the chargé des affaires of Spain. We will even add, that the principal minister of his Catholic majesty, when writing officially on this subject to citizen Bourgoign, did not forget to give him his title of minister plenipotentiary of France. The example of a power of the first rank, such as Spain, might have induced the executive council to hope that we should have found the same facility at London. The executive council, however, readily acknowledge that this negotiation has not been demanded according to diplomatic strictness, and that the citizen Chauvelin is not formally enough authorized. To remove entirely this obstacle, and that they may not have to reproach themselves with having stopt by a simple defect in form, a negotiation on the success of which depends the tranquillity of two great nations; they have sent to citizen Chauvelin credential letters, which will give him the means of treating according to all the severity of diplomatic forms.

To proceed now to the three points which can alone form an object of difficulty with the court of London; the executive council observe on the first, that is to say, the decree of November 19, that we have been misunderstood by the ministers of his Britannic majesty, when they accuse us of having given an explanation which announces to the seditious of all nations, what are the cases in which they may depend before-hand on the succour and support of France. Nothing can be more foreign to the sentiments of the national convention, and to this explanation which we have given, than this reproach; and we did not think it was possible that the open design of favouring seditious persons, could be imputed to us at a moment even when we declared, "that it would be doing an injury to the national convention, to ascribe to them the plan of protecting insurrections and seditious commotions

which might arise in any state ; of associating with the authors of them, and thus of making the cause of a few individuals that of the French nation."

We have said, and we choose to repeat it, that the decree of November 29, could not be applicable, but to the single case where the general will of a nation, clearly and unequivocally expressed, should call for the assistance and fraternity of the French nation. Sedition can certainly never exist where there is an expression of the general will ; these two ideas mutually exclude each other. For sedition is, and can only be a commotion of a small number against the majority of a nation ; and this commotion would cease to be seditious, if all the members of a society should arise at once, either to correct their government, to change its form entirely, or to accomplish any other object.

The Dutch were certainly not seditious when they formed the generous resolution of throwing off the Spanish yoke, and when the general will of that nation called on the assistance of France. It was not accounted a crime to Henry IV. nor to queen Elizabeth, that they listened to them. A knowledge of the general will is the only basis of transactions between nations ; and we cannot treat with any government, but because that government is supposed to be the organ of the general will of the nation to which it belongs. When by this natural interpretation, therefore, the decree of November 19, is reduced to its real signification, it will be found that it announces nothing more than an account of the general will above all contest, and so founded in right, that it was not worth while to express it. For this reason, the executive council think that the evidence of this right might have perhaps rendered it unnecessary for the national convention to make it the object of a particular decree ; but with the preceding interpretation, it cannot give offence to any nation.

It appears that the ministers of his Britannic majesty have made no objections under the declaration respecting Holland, since their only observation on the subject relates to the discussion concerning the Scheld. It is on this last point therefore that we have to make ourselves understood.

We here repeat, that this question itself is of little importance. The British ministers thence conclude, that it is therefore more evident that it has been brought forward only for the purpose of insulting the allies of England. We reply with much less warmth and prejudice, that this question is absolutely indifferent to England; that it is little interesting to Holland, but that it is of the utmost importance to the Belgians. That it is indifferent to England, does not even require to be proved. It is little interesting to Holland, since the productions of the Belgic provinces can be conveyed through the canals which end at Ostend. But it is of great importance for the Belgians, on account of the numerous advantages which they may derive from the port of Antwerp. It is therefore on account of this importance to restore to the Belgians the enjoyment of a valuable right, and not to offend any one, that France has declared that it is ready to support them in the exercise of so legal a right.

But is France authorized to break stipulations which oppose the opening of the Scheld? If we consult the right of nature, and not of nations, not only France, but all the nations of Europe, are authorized to break them. No doubt can remain on this point.

If public right is consulted, we say that it ought never to be but the application of the principles of the general right of nations to the particular circumstances in which nations may be in respect to each other: so that every private treaty which might violate these principles could never be considered but as the work of violence. We will next add, that in regard to the Scheld, the treaty was



concluded without the participation of the Belgians. The emperor, to secure the possession of the Netherlands, sacrificed without scruple the most inviolable of rights. Being master of these beautiful provinces, he governed them, as Europe has seen, with a rod of absolute despotism, respected none of their privileges but those which were of importance for him to preserve, and continually attacked or destroyed the rest. France entering into a war with the house of Austria, expels it from the low countries, and restores liberty to those people whom the court of Vienna had devoted to slavery. Their chains are broken : they are restored to all those rights which the house of Austria had taken from them. How can that right which they had over the Scheld be excepted, especially when it is of real importance only to those who were deprived of it ? In short, France has too good a profession of political faith to make, to be afraid of avowing its principles. The executive council declares then, not that it may appear to yield to some expressions of threatening language, but only to render homage to truth, that the French republic does not mean to establish itself an universal arbiter of the treaties which bind nations together. It equally knows to respect other governments, and to take care that it may make its own respected. It does not wish to give law to any one, and it will never suffer any one to give laws to it. It has renounced, and still renounces all conquest ; and its occupying the Netherlands will continue no longer than the war, and during that time which may be necessary for the Belgians to secure and consolidate their liberty ; after which, provided they be independent or happy, France will be sufficiently rewarded.

When that nation shall find itself in the full possession of its liberty, and when its general will may be declared legally and unfettered, then if England and Holland still affix any importance to the opening of the Scheld, the

executive council will leave that affair to a direct negotiation with the Belgians. If the Belgians, through any motive whatever, shall consent to deprive themselves of the navigation of the Scheld, France will not oppose it. It will respect their independence even in their errors.

After so free a declaration, which manifests the present designs of peace, the ministers of his Britannic majesty ought to entertain no doubt respecting the intentions of France. But if these explanations appear to them insufficient, and if we are still obliged to hear the language of haughtiness, and if hostile preparations are continued in the ports of England, after having done every thing in our power to maintain peace, we will prepare for war, conscious at least of the justice of our cause, and of the efforts we have made to avoid that extremity. We shall combat with regret the English, whom we esteem, but we shall combat them without fear.

LE BRUN.

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REPLY OF LORD GRENVILLE TO THE OFFICIAL NOTE  
OF THE EXECUTIVE COUNCIL OF FRANCE,  
ADDRESSED TO M. CHAUVELIN, JANUARY 18, 1793.

*Whitehall.*

I HAVE examined, sir, with the utmost attention, the paper you remitted to me on the 13th of this month. I cannot help remarking that I have found nothing satisfactory in the result of it. The explanations which it contains, are nearly reduced to the same points which I have already replied to at length. The declaration of wishing to intermeddle with the affairs of other countries, is therein renewed. No denial is made, nor reparation offered, for the outrageous proceedings I stated to you in my letter

of December 31, and the right of infringing treaties and violating the rights of our allies is still maintained, by solely offering an illusory negotiation upon this subject, which is put off, as well as the evacuation of the low countries by the French armies, to the indefinite term, not only of the conclusion of the war, but likewise of the consolidation of what is called the liberty of the Belgians.

It is added, that if these explanations appear insufficient to us; if you should be again obliged to hear a haughty tone of language; if hostile preparations should continue in the ports of England, after having tried every effort to preserve peace, you will then make dispositions for war.

If this notification, or that relative to the treaty of commerce, had been made to me under a regular or official form, I should have found myself under the necessity of replying to it, that to threaten Great Britain with a declaration of war because she judged it expedient to augment her forces, and also to declare that a solemn treaty should be broken, because England adopted for her own safety such precautions as already exist in France, would only be considered, both the one and the other, as new grounds of offence, which, as long as they should subsist, would prove a bar to every kind of negotiation.

Under this form of extra-official communication, I think I may yet be permitted to tell you, not in a tone of haughtiness, but of firmness, that these explanations are not considered sufficient, and that all the motives which gave rise to the preparations, still continue. These motives are already known to you by my letter of December 31, in which I marked in precise terms, what those dispositions were which could alone maintain peace and a good understanding. I do not see that it can be useful to the object of conciliation to enter into a discussion with you on separate points under the present circumstances,

as I have already acquainted you with my opinion concerning them. If you have any explanations to give me under the same extra-official form, which will embrace all the objects contained in my letter of the 31st December, as well as all the points which relate to the present crisis with England, her allies, and the general system of Europe, I shall willingly attend to them.

I think it however my duty to inform you in the most positive terms, in answer to what you tell me on the subject of our preparations, that under the present circumstances, all those measures will be continued, which may be judged necessary to place us in a state of protecting the safety, tranquillity, and the rights of this country, as well as to guarantee those of our allies; and to set up a barrier to those views of ambition and aggrandizement, dangerous at all times to the rest of Europe, but which become still more so, being supported by the propagation of principles destructive of all social order.

GRENVILLE.

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LETTER FROM LORD GRENVILLE TO M. CHAUVELIN,  
ON REFUSING TO RECEIVE HIS LETTERS OF CREDENCE  
FROM THE FRENCH REPUBLIC,  
JANUARY 20, 1793.

SIR,

I HAVE received your letter of the 17th instant. I have already apprized you that his majesty has reserved to himself the right of deciding according to his judgment upon the two questions of acknowledging a new form of government in France, and of receiving a minister accredited on the part of some other authority in France than that of his most Christian majesty. In answer to the demand you now make, whether his majesty will receive your new letters of credence, I have to inform



you, that under the present circumstances, his majesty does not think proper to receive them.

The request you make of me, is equally incompatible with the form of an extra-official communication, and that character in which you have hitherto been known as minister of his most Christian majesty.

Nothing then remains for me to say relative to the subject of your former letter, particularly after what has just happened in France, than to inform you, that as an agent charged with a confidential communication, you ought certainly to have attended to the necessary measures taken by us to secure your letters and couriers—that as minister of his most Christian majesty you would have enjoyed all those exemptions which the law affords to public ministers properly acknowledged as such; but that as an individual, you can only be considered among the general mass of foreigners resident in England.

GRENVILLE.

LETTER FROM LORD GRENVILLE TO M. CHAUVELIN,  
ORDERING HIS IMMEDIATE DEPARTURE FROM THE  
REALM, JANUARY 24, 1793.

I AM charged to notify to you, sir, that the character with which you had been invested at this court, and the functions of which have been so long suspended, being now entirely terminated, by the fatal death of his most Christian majesty, you have no longer any public character here.

The king can no longer, after such an event, permit your residence here. His majesty has thought fit to order, that you should retire from this kingdom within the term of eight days; and I herewith transmit to you a copy of the order, which his majesty in his privy council has given to this effect.

I send you a passport for yourself and your suite; and I shall not fail to take all the other necessary steps, in order that you may return to France with all the attentions which are due to the character of minister plenipotentiary from his most Christian majesty, which you have exercised at this court.

GRENVILLE.

The foregoing celebrated correspondence affords very wide scope for animadversion.

In the first of this series of letters, M. Chauvelin, in language very pointed, and somewhat peremptory, desires of the British minister, an open and candid explanation of the dispositions of England towards France, and whether the latter is to regard the former as a neutral or hostile power. He anticipates the objections which might be made relative to the conduct of France, and endeavours in an elaborate manner to obviate them. *First*, as to the decree of the 19th November, he declares that it is not applicable to neutral or friendly nations, and that France ought and wishes to respect the independence of England and her allies.

*Secondly*, M. Chauvelin represents the opening of the Scheld as a matter reasonable indeed in itself, though of trivial importance, and such as cannot be seriously made the sole cause of war—plainly intimating, that an adjustment of this dispute might easily take place, if the spirit of amity prevailed between the two nations.

He finishes, with warning the British cabinet to consider the terrible responsibility of engaging the British nation in a war upon pretexts so frivolous; and insinuates that an appeal from the ministers to the people, might be attended with dangerous consequences to the former.

Lord Grenville begins his reply, with denying in the rudest manner, the right of M. Chauvelin to the style he assumed, as minister plenipotentiary of France. He dis-

dainfully refuses to accept of M. Chauvelin's disavowal of the injurious construction put upon the decree of November, which he asserts to have been unequivocally confirmed by the conduct of the convention. He insists at large upon the aggression of France in the opening of the Scheld, and declares that France, now in actual possession of the low countries, Liege, a great part of the Palatine, and Savoy, in order to preserve peace with England, must confine herself to the limits of her own territory.

The answer to this letter by M. Le Brun, in the name of the executive council of France, is eminently mild and temperate. He observes, that the court of Spain did not refuse the title of minister plenipotentiary of France to citizen Burgoign, then resident at Madrid. He offers new credentials from the executive council. He again, and in the most positive terms, disavows the offensive meaning ascribed to the decree of November, and explains it in a manner the most respectful and satisfactory. He repeats, that the question of the Scheld is too unimportant and uninteresting to be the cause of war between the two nations, and declares that France will leave the affair to a direct negotiation with the Belgians. He affirms that France has renounced and still renounces all conquest; and that its occupancy of the Netherlands will continue no longer than the war, and during that time which may be necessary for the Belgians to secure and consolidate their liberty.

These are the leading points touched upon in this correspondence, and these the concessions made by France to England in order to maintain the relations of peace and amity between the two countries. In answer to which, lord Grenville transmitted to M. Chauvelin a second letter, which, if really written with pacific intentions, and with a view to conciliation, may be justly regarded as the most extraordinary production to be found in the diplomatic annals of Europe. For minds capable of re-

fection it will be a melancholy indeed, but not an un-instructive lesson, to analyse the contents of it, and while thus employed, they will regret with the great chancellor Oxenstierna, to see “by how small a portion of wisdom the world is governed.”

The British minister sets out with declaring, “that he has examined with the utmost attention the paper remitted to him, and that he has found nothing satisfactory in the result of it.” “The declaration,” he asserts, “of wishing to intermeddle with the affairs of other countries, is there renewed.” But certainly the wish to intermeddle with the affairs of neutral or friendly countries, is expressly denied; and no other wish, or intention rather, of intermeddling with the affairs of other nations is avowed, than such as Henry IV. of France and queen Elizabeth gave examples of. If this explanation was unsatisfactory, what explanation would or could afford satisfaction? Lord Grenville proceeds to complain, “that no denial is made, nor reparation offered for the outrageous proceedings stated in his letter of the 31st December.” This must indeed be admitted. No denial could be made, for the charge was true; no reparation could be offered, for the executive council had it not in their power to make any. The conduct of the convention was doubtless insulting to the dignity of the king of England. But the insults alluded to were those of a tumultuous and anarchic assembly, exasperated by previous provocation; an assembly under no controul of law, and regardless of the common restraints of decorum. In these circumstances, which rendered it morally and politically certain that no reparation could by any means be obtained, the *dignity* of the king had been best consulted by avoiding all mention of the offence, or passing it over, if this high and lofty minister had so pleased, *as too contemptible for notice*. Supposing all the essential points in dispute conceded, surely the offended dignity of the king was no just cause



of war. If amity were restored between the two countries, it would effectually preclude all affronts of this nature in future, and it required but a slender share of magnanimity in present circumstances, to consign them to perpetual oblivion.

Lord Grenville farther says, "that the right of infringing treaties, and violating the rights of our allies, is still maintained by solely offering an illusory negotiation upon this subject, which is put off, as well as the evacuation of the low countries by the French armies, to the indefinite term not only of the conclusion of the war, but likewise of the consolidation of what is called the liberty of the Belgians." But this is a most unfair and fallacious statement of the question. The right, speaking in the abstract, of infringing treaties, is not maintained by the French executive council; but merely the justice of superseding a single regulation in a particular treaty, on the ground of its being a violation of natural right. This is doubtless a dangerous and inadmissible pretension; but it was in fact given up when the council professed their willingness to leave the negotiation wholly with the Belgians. The excessive alarm and resentment ostensibly excited at the court of London by this claim, must, however, appear very problematic, when it was notorious that the very same pretension publicly advanced a few years since by the emperor Joseph, met with no opposition whatever from England; nay, it was very generally understood that it received from the British cabinet, Holland being then in alliance with France, and the object of jealousy and dislike to England, strong though secret encouragement.

But a much more important concession than this relating to the Scheld, immediately follows. France well knew that the grand obstacle to peace with England, so far as her counsels were guided by policy, and not by pride or passion, was the apprehension entertained of the

annexation of the low countries to the territory of the republic, an object extremely tempting to so ambitious and powerful a nation, and which Great Britain had exerted herself for a century and a half with ardour and success to prevent. She declares that her occupation of the Netherlands will continue no longer than the war, and during that time which may be necessary for the consolidation of the Belgic liberty. The moment this great concession was offered, the chief, or rather the sole *end* of the negotiation, if proceeding from a wise and sound policy, was attained; and it only remained to inquire by what *means* England could be assured that such concession should be carried into effect. Lord Grenville says, that only an *illusory* negotiation was offered. But what right had lord Grenville, or could any man have, to style the negotiation *illusory* before it commenced? If these concessions had been accepted as a basis of amicable accommodation, various modes might have been devised for the satisfaction of England, in order to enforce the execution of them. But to reject all negotiation as necessarily illusory, without assigning a single reason in proof of such necessity, is a mode of proceeding which requires a foresight and sagacity more than human to justify.

M. Le Brun proceeds to say, that if the explanations and concessions offered by the executive government of France, are deemed insufficient “*i. e.* insufficient doubtless to serve as a foundation for amicable discussion;” if the same haughty tone of language should be again heard, and the hostile preparations of England are continued—if, in fine, all their efforts to preserve peace should be tried in vain, they will then make dispositions for war.” How indeed is it possible that in the case here stated, the executive council could do otherwise? Nevertheless, lord Grenville, in the most provoking spirit of perverseness, interprets these expressions into a new ground of offence, and an insuperable bar to negotiation; and he explicitly declares the explanations to be **INSUFFICIENT**.

It appeared, notwithstanding, that there was still a way open to accommodation, even under what his lordship was pleased to style "this form of extra-official communication;" for though the letter to which his lordship replies, was written by the minister of foreign affairs, in the name of the executive council; it is repeatedly and insultingly affirmed by him to be "neither regular nor official," an objection befitting a master of the ceremonies rather than a statesman; on whose discretion the welfare of nations depended.

Under this form, however, his lordship announces that the way is still open for the restoration of peace. "In his letter of December 31, he marked," as he reminds M. Chauvelin, "in specific terms, what those dispositions were, which could alone maintain peace and a good understanding." By referring to this letter, we find that France, amongst other conditions, is peremptorily required "to confine herself within her own territory"—so that as a preliminary to negotiation with England, that high-spirited and powerful nation was imperiously called upon to relinquish all her conquests, while war was still raging on the continent, and a most formidable confederacy still subsisted, threatening the very existence of the republic. A demand so extravagant, so unjust, so unlikely, or rather impossible to be complied with, was never made; a more preposterous one never will or can be made by any nation calling itself neutral, and professedly endeavouring to terminate her differences amicably with another.

Lord Grenville concludes with a most unaccountable and unintelligible assertion—"that he does not see that it can be useful to the object of conciliation, to enter into a discussion with M. Chauvelin on separate points, under the present circumstances, he having already acquainted him with his *opinion* concerning them." Can so bold a paradox be hazarded, as that the concessions of France on the distinct and separate points in dispute, deserved

not even to be *discussed* after the British minister had once given his *opinion*? Or that such discussion, supposing it conducted in the spirit of candour, could not in any degree conduce to the object of conciliation? To decline the discussion of separate and specific points of difference, and to invite so vague and vast an investigation as would be necessary to comprehend "all the points which relate to the general system of Europe," is so clearly inimical to the genuine spirit of conciliation, and practical accommodation, that it requires very great faith, not to say credulity, to believe that peace was really the object in view.

Still, and beyond all reasonable expectation, a farther effort was made by the French minister to continue the negotiation; but his letters of credence from the executive council being refused with the most pointed insolence and disdain, and he himself being, on the intelligence of the death of the king of France, ordered forthwith to depart the kingdom, the convention, though it was known that M. Marat had been dispatched on a fresh mission to England, concluding that the court of London would accept of no concession, terminated the discussion by a declaration of war against Great Britain and Holland, February 1, 1793.



## ON THE CHARACTER AND CONDUCT OF LOUIS XVI. KING OF FRANCE,

SUBSEQUENT TO THE REVOLUTION.

A. D. 1789.

The sincerity of the late king of France, and the reality of his attachment to the constitution established, A. D. 1791, have been frequent and serious topics of discussion; and there are many persons so partially indul-



gent, or so imperfectly informed, as to imagine that this unfortunate monarch was chargeable with no violation of good faith and integrity during the last eventful years of his life. But on a dispassionate investigation of facts, it will appear that the dissimulation of the king was uniform and systematic, from the period of his assembling the states-general to the day of his dethronement. Truth is sacred, justice is of universal obligation, and in treating of the tremendous topic of the French revolution, there is surely no necessity to heighten the deep and *sombre* tints of the picture.

Although every art and every effort had been tried on the part of the court to prevent the meeting of the states-general, the king of France in his opening speech (May 5, 1789), assumed the merit of convening that assembly from the purest motives of patriotism and good will; and he congratulated them "on the arrival of the day which he had long panted to see." But M. Bertrand de Moleville, who filled for some months during the years 1791 and 1792, the office of minister of marine, and was known to be in the highest confidence of the king, speaks in his Memoirs a language widely different. "Because," says he, "the states-general produced the most execrable revolution that ever existed, is it Louis we ought to accuse? No one is ignorant, that it was not in his power to refuse assembling the states-general. He was forced to it not only by the universal cry of the kingdom, but by the deplorable imprudence of the parliaments, in declaring that they did not represent the nation; and that they would no longer usurp a right which conscience and honour compelled them to relinquish. The rash and violent proceedings of the archbishop of Toulouse, had been attended with consequences which struck the court with consternation, and in adopting the conciliatory line of conduct recommended by M. Necker, the monarch was influenced, by no other motive than fear. "Louis XVI.," says ano-

ther writer of undoubted information and authority on this head, "assailed on every quarter, appointed the opening of the states for the 1st of May, 1789, and yielding at last, but too late, to the wishes of the irritated nation, he suspended the tribunal of the plenary court till the opening of the states-general should take place, though it was impossible it ever could have been organized. The king issued a decree, stating, that he would lodge in the hand of the nation the whole of its rights and privileges, and that it was his earnest desire to connect himself in closer bonds with his subjects. Very little regard was paid to a sacrifice extorted by force and discontents\*."

After the convention of estates had actually taken place, the king evidently wavered between opposite counsels; his understanding being too circumscribed to allow him long to follow any consistent and uniform system of action. The famous royal declaration of the 23d of June, 1789, was originally drawn by M. Necker, but alterations so material were subsequently engrafted upon it by the secret advisers of the crown, that he no longer acknowledged it as his; refusing even to attend the king upon this occasion to the assembly.

1st, The declaration, in its original state, did not pretend to annul the resolution by which the *tiers etat* announced itself to be the NATIONAL ASSEMBLY; but on the contrary, it authorized the assembly during the present session to vote individually.

2dly, The plan of M. Necker contained an article, which declared that the citizens of every class should be admitted equally to all offices, without any other distinction than that of abilities and virtues; a concession which at once overthrew all the ancient and odious aristocratic privileges.

3dly, By an article of M. Necker's plan, the assembly voting individually, was empowered to regulate the orga-

\* Soulavie's Memoirs, vol. iii. p. 34.

nization of all future assemblies of the states-general : the spirit of the declaration therefore in its original state, was entirely in favour of the *tiers etat*, who would have been highly gratified at this critical moment, by such gracious and open manifestations of the royal countenance and protection. And the specific propositions of the king, consisting of thirty-five articles as they came from the hands of M. Necker, might easily have been modified and reduced to a regular system. But the haughty and peremptory manner in which the *tiers etat* were commanded to rescind the decisive step they had just taken, totally counteracted every good effect the declaration was otherwise calculated to produce.

The king even ventured to throw out an indirect menace of dissolving the assembly, in case of disobedience. “ Vous venez messieurs,” said he, “ d’entendre le resultat de mes dispositions et de mes vues. Elles sont conformes au vif desir que j’ai d’operer le bien public ; et si par une fatalité loin de ma pensée vous m’abandonniez dans une si belle enterprise, *seul* je me considèrai comme leur véritable représentant ; et connoissant vos cahiers, connoissant l’accord parfait qui existe entre le vœu le plus général de la nation, et mes intentions bienfaisantes, j’aurai toute la confiance qui doit inspirer une si rare harmonie, et je marcherai vers le but auquel je veux atteindre avec tout le courage et la fermeté qu’il doit m’inspirer.”

Such language as this was calculated to produce the highest degree of irritation, and the authority of the crown at this period was utterly unequal to the execution of these lofty ideas. Arrogant and boastful words, unaccompanied by the reality of power, will inevitably excite at the same time resentment and contempt. M. Necker was certainly by no means a man of first-rate talents. It is, however, no more than justice to say, that the failure of his projects arose not from any inherent absurdity in

their nature, but from the secret and powerful opposition made to them by persons possessing the substance of that confidence, of which he had only the name and the shadow. But when he found himself unable to carry those measures of which he discerned the wisdom and the rectitude into effect, he ought doubtless, instantly to have resigned his office. To remain for a moment in a situation of such pre-eminent responsibility, lending his sanction to measures which he was no longer allowed to guide, must ever be regarded as demonstrative evidence of a mind wholly devoid of that resolution and energy which the circumstances of the times demanded.

The character of that unfortunate, but well intentioned minister, is thus drawn by M. Bertrand de Moleville, in his Memoirs, with a pen dipped in gall. "I knew him well enough to be firmly persuaded, that he never designed the ill he has done, or that he had the least notion that his measures would produce it. I only blame his vanity and his extravagant presumption. He so completely in his conscience believed himself to be the ablest minister that ever existed, that he would have been mortified to have only been compared with Sully and Colbert. He did not hesitate to believe that he combined in a superior degree all the great qualities of the greatest ministers, without any of their faults. Posterity will see in him a man selfish, ambitious, and vain; foolishly intoxicated with the merit which he fancied himself to possess, and jealous of that of others; desirous of excess of honour and of power; virtuous, in words and through ostentation, more than in reality. In a word, he was a presumptuous empiric in politics and morals." The colleague of M. Necker, M. de Montmorin, is declared by M. Bertrand to have been neither constitutionalist nor democrat, but a real royalist. "I must," says he, "at the same time acknowledge, that the extreme weakness of his character prevented him from being useful to his ma-



jeſty in circumſtances that required much energy.” This is equivalent to an aſſertion, unfortunately too well ſupported by collateral and independent evidence, that M. de Montmorin was chargeable with the deepeſt political hypocriſy during the whole term of his adminiſtration, even when he ſeemed moſt friendly to the eſtabliſhment of a free conſtitution.

Louis XVI. of whom M. Bertrand ſpeaks in terms of high-flown panegyric, appears, nevertheless, throughout theſe memoirs, in a light by no means advantageous. Weak, diſtrufeful, ſuperſtitious, inconstant, ſtrongly affected by minute circumſtances, inceſſantly and idly busy in the purſuit of petty, and at the ſame time, often pernicious objects; mild, humane, and indulgent by nature, but jealous to the laſt degree of any diminution of power; and when occaſionally forced to conceſſions, artfully and oſtentatiously repreſenting them as the effect of his own royal and ſpontaneous beneficence; perpetually hearkening to men falſely calling themſelves “the king’s friends,” whom in defiance of the public opinion and of the common dictates of prudence, he retained near his perſon, and of whom M. Bertrand was the chief.

“The nullity of the character of Louis XVI.,” ſays M. Soulavie, “and the verſatility of his deciſions, have been in the courſe of theſe memoirs ſufficiently evinced. We have ſeen that monarch adopting the advice of M. Necker, to unite the three orders into one aſſembly; the ſame day he liſtens to the counſels of the queen’s party, and reſolves upon the diſtinction of the aſſemblies. He again exiles M. Necker and again recalls him. He iſſues orders to the Champ de Mars favourable to his military force, in conſequence of the deciſions of the palace of Marli, which the duke of Liancourt on the following night annihilates. This wavering and uncertain diſpoſition of Louis XVI. was the primary cauſe of the fall, both

of the ancient and of the constitutional monarchy ; a similar policy ruined the last of the Valois\*.”

On the capture of the Bastile on the memorable 14th of July, 1789, the king professed, and fatally for himself and the nation, only professed, to change the whole course of his policy. “ When the baron de Breteuil,” says M. Bertrand, “ left Versailles at the period of M. Necker’s recall, he was invested with the power of treating with foreign courts, and of proposing *any* measure in the king’s name, which in his opinion tended to promote the re-establishment of the royal authority.” Had the king been really sincere ; had he not wilfully and deliberately, and in repeated instances, violated every principle of honour and good faith ; what an accumulation of misery and misfortune might have been prevented ; but his conduct was such as to involve both himself and his people in one common ruin. “ Fearing to weaken,” says M. Bertrand de Moleville, “ the manifest nullity of the sanctions which he had been forced to give to all the decrees passed since the outrages of the 5th and 6th of October (1789), the king sanctioned also on the 28th of June (1790), the decrees of the 19th,” viz. those respecting the abolition of the orders of nobility and all feudal institutions ; “ notwithstanding the entreaties of M. Necker, who wished the king not to assent to the decree degrading the nobility, till he had offered his observations to the national assembly.”

But in a letter addressed to the archbishop of Arles, a short time subsequent to this decree (August 26th), the king in a high tone of authority, says, “ Je ne consentirai jamais à dépouiller mon clergé, ma noblesse ; à priver l’un des droits acquis à l’Eglise Gallicane par une antique possession, par les vœux des fideles, par les dons des rois mes ayeux ; à souffrir que l’autre soit dépouillé de tout ce

\* Memoirs of Soulavie, vol. vi. p. 358.

qui faisait sa gloire, du prix de ses services, de ses titres, de ces récompenses dues aux vertus civiles et guerrières de la noblesse Française. De belles actions leur avaient mérité des privilèges ; le roi de France doit les leur conserver. Je ne donnerai point ma sanction à des décrets qui les dépouilleraient\*.”

It seems therefore, that the king did not consider the sanction he had publicly and formally given to these laws as any sanction at all. He appears still to have entertained ideas the most extravagant, of the grandeur of his power, and he was merely waiting for a favourable opportunity to rescind all that he had said and done in relation to the constitution.

On a solemn and memorable occasion, repairing (February 1790) to the assembly in person, he had renewed in a declaration equally unsolicited and unexpected, his former protestations. “Let us,” said the monarch in a strain of the most insidious hypocrisy, “give ourselves up with good faith to the hopes that we ought to conceive ; continue your labours ; let it be known that your monarch applauds them ; I should have many losses to recount, but I find my happiness in that of the nation ; from the bottom of my heart do I express this sentiment ; I will maintain the constitution with my whole power. May this day, in which your monarch comes to reunite himself to you, effect in like manner the re-union of all.” “How,” exclaims M. de Bouillé, a man distinguished amongst the royalists for honour and capacity, “could he retract such a step, thus voluntarily taken, without that degradation of character, than which a king can incur no greater misfortune ?”

For two years and upwards, M. Breteuil appears to have possessed the highest place in the royal confidence. “I shall,” says the monarch, in a letter to that noble

\* Correspondence of Louis XVI.

man, November 1790, "approve all you do towards accomplishing the great end I have in view, which is the re-establishment of my lawful authority, and the happiness of my people\*." During this period political intrigues were incessantly carried on by the French court, and a clandestine and dangerous correspondence maintained with that of Vienna. This was well known, and forcibly remonstrated against by those who were most interested in counteracting these machinations. The plainest truths were spoken in the plainest language, but to those who had ears and would hear not, spoken alas! in vain.

When the insidious project for the visit of St. Cloud was in contemplation in the Easter of 1791, a most spirited expostulatory address to the sovereign appeared in the periodical publication, styled *l'Orateur du Peuple*. "Louis XVI." exclaims this bold and popular censor, "aujourd'hui roi des Français arrête! Ou cours-tu monarque, abusé par des conseils perfides? As-tu bien pesé les suites de ce départ, l'ouvrage de ta femme? Le peuple ignore-t-il que de St. Cloud tu te disposes à partir pour Compeigne, et de-là pour la frontière? Ne savons-nous pas que la bouche des rois fut toujours l'autre du mensonge? Une furie te pousse dans le précipice! Eh bien, si tu pars nous ne voyons plus en toi que Tarquin chassé de Rome."

Had the king of France been a man capable of philosophic reflection, the axiom of the Roman historian might probably have occurred with sufficient force to have restrained his subsequent acts of delirium. "Regum majestatem difficilium ab summo fastigio, ad medium detrahi, quam a mediis ad ima præcipitari†."

After the rash and justly suspected attempt to withdraw from Paris to St. Cloud had proved abortive, the king

\* Correspondence, vol. iii. p. 85.

† Livy.



once more appeared to adopt a new system, and was even prevailed upon to announce the new constitution in form to the different courts of Europe. Being thereupon congratulated by the president of the assembly in form, for "having thus imposed silence on detractors," he declared himself, "charmed beyond expression at the warmth of esteem which the national assembly had been pleased to express towards him. If they could but read my heart," said he, "they would there see sentiments engraved on it, that would well justify the confidence of the nation. All distrust would be then banished from our bosoms, and we should all be happy." Is there not some ground of excuse for the strong expression that, "the mouth of royalty is the cave of falsehood?" when in less than two short months the king, abandoning his honour and his duty, and putting his crown upon the hazard of a die, ventured, by an instrument under his own hand and seal, to pronounce all his former declarations of no force or validity, as extorted from him in direct opposition to his real sentiments.

From the information of M. Bertrand himself, corroborated by other, and not less decisive evidence\*, it appears that in the month of May, 1791, M. le comte Alphonse d'Urfort was dispatched on a secret commission from their most Christian majesties to the emperor, then at Mantua; and in a short time he returned with a declaration signed by his Imperial majesty, containing the outlines of a plan for effecting a counter-revolution, concerted between the courts of Vienna, Madrid, Turin, and Naples; conformably to which, France was to be invaded by the combined forces of these confederate powers, amounting to 100,000 men, at the end of July; and their most Christian majesties are earnestly exhorted, "to em-

\* Vide Memoirs of the Marquis De Bouillé, and Dr. Moore's History of the French Revolution.

ploy every possible means to increase their popularity, in order to take advantage of it when the time should come; and so that the people, alarmed at the approach of the foreign armies, should find their safety only in the king's mediation, and their submission to his majesty's authority. His Imperial majesty entreats their most Christian majesties to drop every idea of procuring their liberty, and adds, that their surest dependence is on the movement of the armies of the allied powers, preceded by menacing manifestoes."

Unfortunately the king and queen, deaf to every suggestion of policy and prudence, from whatever quarter originating, adopted measures equally fatal to themselves and the kingdom.

By the advice of the baron de Breteuil, an attempt was made by their majesties, notwithstanding the dissuasives of the emperor, to effect their escape to Montmedi; a project no less absurd in the design than unsuccessful in the execution, and mischievous in the consequences. Sensible by dear bought experience, of the false step he had taken, the king gradually withdrew his confidence from the baron, but unhappily without transferring his favour to those who were more deserving of it. From this fatal æra, the republican party became every day more daring and formidable. The king having declared in the paper which he left behind him, all his oaths and promises null and void; it was not possible in the nature of things, that confidence untainted by suspicion should ever again be restored. Sentiments of loyalty and generosity, however, upon the whole prevailed; the apology of the king was received by the assembly with indulgence and even complacency, and in a short time powers were vested in the hands of the monarch, infinitely dangerous both to himself and the nation.

The administration which presided over the affairs of

France from the period of the king's acceptance of the constitution, in the autumn of 1791, to March 1792, was composed of persons, presumed, *with one exception*, to be well affected to the constitution, but apparently devoid of the zeal and vigour necessary to counteract the designs of the court. During this term M. de Montmorin; and afterwards M. de Lessart, were at the head of the foreign department; and M. Cayer de Gerville; of the interior; M. de Narbonne was minister of war, and M. Bertrand de Moleville, of marine; M. Tarbé, of finance, and M. Duport de Tertre, of justice. But of these ministers, M. Bertrand, an open and determined enemy of the constitution, enjoyed incomparably the most credit with the king. A representation from the assembly against him was treated with contempt, while M. Narbonne, who had refused to sit any longer in council with M. Bertrand, was dismissed with disgrace. Both M. de Montmorin and M. de Lessart, were, according to the representations of M. Bertrand, concealed royalists, and absolutely hostile to the new order of things. The other three ministers were men of probity and constitutional principles, who harboured with extreme reluctance any suspicions of the king. M. Gerville in particular, was convinced upon very false grounds, as it now appears, of the rectitude of the king's intentions; but the queen he regarded, M. Bertrand tells us, "as a haughty, perfidious, and wicked woman, who thought of nothing but re-establishing despotism;" and his idea of her majesty was such, that when the ministerial committee was held in the palace, he never would speak with freedom, from a notion that the queen, or some of her spies, listened at the door, or behind the wainscot.

During the whole of this period, the king was incessantly engaged in designs no less dangerous to himself than inimical to the new constitution. In the month of December 1791, Louis XVI. wrote with his own hand

a letter to the king of Prussia, thanking him for the interest which that monarch had expressed, not only for his person, but for the welfare of his kingdom. "Je viens," says he, "de m'adresser à l'empereur, à l'impératrice de Russie, aux rois d'Espagne et de Suede, et je leur presente l'idée d'un congrés des principales puissances de l'Europe, appuié d'une force armée comme la meilleure mesure pour arrêter ici les factieux, donner les moyens d'établir un ordre de choses plus désirables, et empêcher que le mal qui nous travaille puisse gagner les autres états de l'Europe. J'espère que votre majesté approuvera mes idées, et qu'elle me gardera le secret le plus absolu sur la démarche que je fais, auprès d'elle. Elle sentira aisément que les circonstances où je me trouve, m'obligent à la plus grande circonspection ; c'est ce qui fait, qu'il n'y a que le baron de Breteuil qui soit instruit de mon secret ; et votre majesté peut lui faire passer ce qu'elle voudra \*."

But even those who were most willing and desirous to believe that the king did not entertain any fixed or regularly formed design of subverting the constitution, could not but acknowledge that he obstinately withheld his support and confidence from those who were most zealously attached to it. Instead of cultivating a good understanding with the assembly by an open and steady course of action, he had recourse to the vile arts of corruption and bribery, to lessen the weight of the opposition against the court : and vast sums were expended, to no other purpose than to make the government contemptible and odious. "During the first assembly," said the king to M. Bertrand, "the attempt to gain the tribunes cost the civil list more than three millions, and the tribunes were constantly against me notwithstanding."

In the spring of 1792, the public discontents ran so high, that the king was compelled to make an entire

\* Correspondence of Louis XVI.



change of administration, and to replace his former ministers with another set of men, upon whose zeal, vigour, and ability the nation relied with perfect security. The new administration consisted of M. Dumourier for the foreign, and M. Roland the interior department, M. Servan minister of war, and M. de la Costé of marine, M. Clavieres of finance, and M. Duranton garde des sceaux, or minister of justice—men whose counsels might, if the infatuation of the monarch had permitted, still have availed to save the king and country from ruin. By the party of the royalists this administration was most invidiously and unjustly branded with the stigma of jacobinism. For M. Dumourier himself tells us, in his *Memoirs*, “that neither La Costé or Duranton were ever members of the jacobin society. Dumourier, Roland, and Clavieres, were three very studious and laborious men, who lived at home, assisted but very seldom at the debates of this club previously to their entrance into the administration; never afterwards; and who considered it as a dangerous assembly, which it was necessary either to suppress, or to lull asleep.”

In the month of April, the fatal war which for so many years desolated Europe, commenced, after an atrocious series of provocations on the part of Austria, and a long and unexampled forbearance on that of France; so that upon which of the two nations the heavy charge of aggression rested, was abundantly manifest to every impartial and dispassionate person.

When the combined armies were on the point of invading France, M. Bertrand, as he himself informs us, counselled the king to send off M. Mallet du Pan with secret dispatches for the baron de Breteuil, and directions how to act. This the king with marks of emotion refused, saying, “it was he that prompted us to take that accursed journey to Varennes.” In the stead of M. Breteuil, therefore, the letters were addressed to the marshal

de Castries, advising that the entrance of the Austrians and Prussians into France should be preceded by a manifesto, in which they should declare, "that forced to take arms against an unjust attack, they did not impute that aggression either to the king, or the French nation, but to a criminal faction which oppressed both. Consequently, far from departing from the sentiments of amity which united them to France, that their intention, on the contrary, was to deliver that nation from tyranny, and to restore it to legal order and tranquillity. That their majesties the emperor, and king, took all peaceable and faithful subjects under their protection; that they considered as their enemies those only who were the enemies of France, namely, the faction of the jacobins and all its adherents." This advice, as appears by referring to the proclamation of the duke of Brunswick, was strictly conform'd to; and from M. Bertrand we learn, that the king of France entertained the firmest assurance of the success of the duke of Brunswick's expedition, though his personal situation filled him with alarming apprehensions.

But exclusive of the irrefragable evidence recently produced, in consequence of the publications of Dumourier, de Bouillé, Bertrand de Moleville, madame Roland, &c. the treachery of the king might, at the period when the Austrian and Prussian armies entered France, be without hesitation inferred from the general tenor of his conduct since the period of his acceptance of the constitution; from his systematic abuse of the *veto*; from the defenceless state of the kingdom, and more especially of the principal fortresses on the German frontier; from the recall of marechal Luckner, when in the full career of victory; and the mysterious movements of M. La Fayette, now in close and intimate union with the court. M. Dumourier himself informs us, that he learned on his arrival at Douay, July 1792, that marechal Luckner, after having held a council of war, though there was no enemy to oppose him,

had evacuated Courtray and Menin, and was returning to the camp of Valenciennes. "This shameful retreat," says he, "evidently proceeded from party spirit, in consequence of some great project broached by La Fayette's faction, of which Luckner, beset by his own staff-officers, was at once the instrument and the dupe."

It did not escape the notice of the military men in the assembly, that M. Fayette had drawn back his army from Longwy to Sedan, on the approach of the duke of Brunswick's forces; whereas, he ought, as they affirmed, to have retired towards Verdun, and crossing the Meuse, have occupied the camp of Sivry-la-Perche, a very strong position, securing a safe retreat to the Gorge of Clermont, instead of which, by turning aside to Sedan, he left the route open to Paris\*.

From the general complexion of M. La Fayette's conduct and character, it cannot indeed be supposed that his views extended farther than to support the constitutional monarchy, in opposition to the rising spirit of jacobinism, and republicanism, and so egregiously was he imposed upon by the artifices of the court, as to entertain the extravagant belief, that the invaders of France were actuated by the same moderate and patriotic motives. But subsequent events have no doubt fully convinced that respectable but mistaken man, that if the dark designs at this time in agitation, had ultimately proved successful, he would have fallen the first victim of his own credulity and folly.

For a short interval after the appointment of the patriotic ministers, Roland, Servan, and Clavieres, as madame Roland informs us, they were almost persuaded of the sincerity of the monarch, who appeared so anxious to inspire them with confidence, that Roland declared, "if the king was not an honest man, he was the most arrant

\* Vide Major Money's Memoirs of the Campaign, A. D. 1792.

cheat in the kingdom ;” adding “dissimulation can hardly go so far.” But they were soon convinced that they were in a fatal error. At times, indeed, they thought that the king appeared impressed with the force of their reasonings : but at the subsequent meeting of council he was hardened into resistance ; and the same round of argument was urged with ceaseless and unavailing solicitude. Servan had the boldness to declare to the king, “that his weakness was criminal, and would never be a shield against the indignation of his people.” No register of the transactions and deliberations of the council, was permitted by the king, nor any secretary allowed, although expressly enjoined by the constitution, and repeatedly insisted upon by the ministers. “Want of ability,” says madame Roland, “had disabled him from preventing the establishment of the new government ; but honesty alone would have been sufficient to have saved him, if he had been sincere in executing, when he had accepted the constitution. Unhappily for himself, with one hand to support what he was overthrowing with the other, was his crooked policy ; and this perfidious conduct first excited mistrust, and finished by kindling general indignation.”

After the dismissal of this wise and popular administration, the monarch appears to have been guided by no fixed principle of action. The resolution suddenly taken to discard the late ministers, proceeded not from any concerted plan of policy, but from the mere impulse of pride and passion. He could not endure the language of sincerity and truth. Even yet he was the arbiter of his own fate. M. Bertrand himself admits, that at this period, the faction of the Gironde, though undoubtedly republican in speculation, harboured no design of subverting the constitution ; and a letter was at this critical and decisive moment transmitted to the king, signed by Vergniaud, Guadet, and Gensonné, three chiefs of the party, stating the terrible consequences likely to ensue, and pledging



themselves for the security of the public peace, in the event of the restoration of the Gironde administration. This letter produced not the least permanent effect. — On the 27th July, writing to the count de Provence, the monarch declares that he had just been giving audience to M. Vergniaud, the most distinguished leader of that popular and powerful connexion.—“ Je vous avoue,” says he, “ que ses raisons m’ont frappé; il a du talent, l’éloquence de l’ame, de la facilité, beaucoup d’énergie.—Il m’a parlé des vastes projets conçues par des êtres mal intentionnés. Il m’a assuré que les jacobins dans leurs écrits; dans leurs clubs, ne se contentaient pas de demander la déchéance, mais qu’ils avaient engagé plusieurs de leur meneurs à la demander à la tribune du corps législatif. Il m’a conseillé de flatter la Gironde et de hâter sa réunion avec le côté droit, par des moyens qu’il veut m’indiquer.”

Though he confesses that the party opposed to the Girondists strikes him with horror, he concludes by declaring, “ that the propositions made to him by the latter, shall not be accepted.” “ Voyons,” says this infatuated monarch, “ si l’audace des factieux triomphera.” Assuredly nothing short of a miracle could save a man so obstinately bent upon his own destruction! equally devoid of energy and of judgment, he waited with impatience for the approaching time, when by the intervention of a foreign and military force, that new order of things which he had repeatedly and solemnly sworn to defend, should be completely overturned. The edifice of the constitution was indeed destroyed, but the monarch was at the same time, as might easily be foreseen, crushed under its ruins.

To affirm that the oaths of the king of France were of no validity, as being the effect of coercion, must tend to dissolve all moral obligation. Louis XVI. was no otherwise under coercion at Paris, when he swore to maintain

the constitution of 1790, than the glorious and immortal deliverer of Great Britain, king William III. in submitting to the oath tendered to him at Westminster, in 1689. He could not be king if he refused it; and the eventual violation of such oath, must necessarily at the same instant dissolve and nullify the bond of allegiance. In neither country was the monarch constitutionally subject, in the regular course of government, to personal responsibility; but if the functions of sovereignty were perverted to a purpose directly contrary to that which the constitution intended; if, instead of protecting, a design was evidently formed for subverting the constitution, the monarch could not in equity claim the benefit of those established rules and maxims of government in his own favour, which might operate to the detriment, or perhaps to the ruin, of those for whose sake all government is instituted.

All the feelings and sympathies of our nature, are nevertheless awakened, when Louis XVI. a monarch possessing undoubtedly many virtues, such indeed as were chiefly calculated to blossom in the shade, presents himself to our imagination as a prisoner at the bar, and much more as a prisoner on the scaffold. But the French nation themselves, through the medium of their representatives, were the legitimate and only competent judges, how far the safety of their country demanded by an imperious and terrible necessity, so signal and melancholy a sacrifice. And however we may dissolve in tears of compassion over the victim, we can arrogate no right to brand it as an act of national injustice. That there were men in that assembly which passed sentence of condemnation on the king, of the most flagitious and unprincipled ambition, who under pretext of patriotism, sought only for occasions to carry into effect their own black and nefarious designs, can in no degree invalidate the truth of the facts here stated, or of the conclusions deducible from them. There were others, who were as certainly actuated

by an high sense of duty, who sealed his doom with a bleeding heart; and who would with pleasure have devoted their lives for their sovereign, had they considered him as the protector and guardian of the constitution which he had sworn to defend, instead of a traitor and an hypocrite justly accused of conspiring its destruction.

How incalculable would have been the difference in favour of the interests of liberty, peace, and happiness, had England accepted with magnanimous cordiality, the overtures of amity made by France, through the medium of her patriot ministers, in the spring of 1792; and had frankly and generously offered her guarantee of the constitution, as ratified by the king, whose sincerity was at that moment, if ever, to be confided in. Saturnian times might then have rolled round again. But such wisdom in such circumstances, perhaps, is not given to man; certainly not to such men as then ruled the councils of this country.

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MEMORIAL OF LORD AUCKLAND TO THE STATES-  
GENERAL,

JANUARY 25, 1793.

HIGH AND MIGHTY LORDS,

THE undersigned ambassador extraordinary and minister plenipotentiary of his Britannic majesty, in consequence of express orders which he received from the king, has the honour to lay before your high mightinesses, copies of all the papers which have been exchanged from the 27th December last to the 20th of this month, between lord Grenville, secretary of state of his Britannic majesty, and M. Chauvelin.

High and mighty lords, the king is fully persuaded

that the sentiments and principles expressed in the name of Great Britain, are perfectly the same with those which animate your republic, and that your high mightinesses are disposed to concur fully in the measures which the present important crisis calls for, and which are the necessary consequences of those sentiments and principles.

The circumstances which brought us to that crisis, are too recent, and the conduct of the king too well known, to oblige the undersigned to enter into superfluous details.

Not four years ago, some wretches assuming the title of philosophers, had the presumption to think themselves capable of establishing a new system of civil society. In order to realize that dream of their vanity, they found it necessary to overthrow and destroy all received notions of subordination, manners, and religion, which have hitherto formed all the security, happiness, and consolation of the human race. Their destructive projects have but too well succeeded. But the effects of the new system which they endeavoured to introduce, served only to shew the imbecility and villany of its authors. The events which so rapidly followed each other since that epoch, surpass in atrocity all which had ever polluted the pages of history. Property, liberty, security, even life itself, have been deemed playthings in the hands of infamous men, who are slaves of the most licentious passions of rapine, enmity, and ambition.

The annals of mankind present no epoch, when and in so short a time, so many crimes were committed, so many misfortunes caused, and so many tears shed. Even at this moment, these horrors seem to be at their height.

During all that time, the king, surrounded by his people, who by Divine Providence enjoy an unexampled prosperity, could not look on the misfortunes of others, but with a sentiment of indignation and pity; but faithful to his principles, his majesty never wished to interfere with



the interior affairs of foreign nations ; he never deviated from the path of neutrality which he had prescribed to himself. This conduct, which the king with pleasure saw observed likewise by your high mightinesses, and the good faith of which all Europe acknowledged, together with his peaceable disposition, which ought to have been respected on every ground, was not sufficient to secure his majesty, his loyal subjects, and this republic, from the most dangerous and criminal plots.

For several months past, ambitious projects of aggrandizement, alarming to the tranquillity and safety of all Europe, were planned in the most public manner ; endeavours were made to spread in the interior parts of England, and of this country, maxims detrimental to all social order ; they were not even ashamed to call these horrible attempts revolutionary power.

Ancient and solemn treaties guaranteed by the king were infringed, and the rights and the territory of the republic have been violated. His majesty, therefore, in his wisdom, thought proper to make such warlike preparations, as seemed to him proportioned to the circumstances of the times. The king has consulted his parliament, and the measures which his majesty thought fit to adopt, were approved by the spirited and unanimous consent of a people who abhor anarchy and irreligion, and love their king and constitution.

Such are, high and mighty lords, the motives of a conduct, the wisdom and equity of which, have till now ensured to the king your concurrence and co-operation. His majesty has in every respect constantly kept a watchful eye on the support of the rights and safety of the United Provinces. The declaration which the undersigned had the honour to make to your high mightinesses on the 13th November last, and the arrival of a small squadron destined for the protection of the shores of the republic, during the time when its own naval forces were

assembling, prove it incontestibly. Your high mightinesses have acknowledged these dispositions of his majesty in what he has done already. You will not find them abated in the preparations that are now making: in consequence of which, his majesty is persuaded, that he will continue to experience on the part of your high mightinesses, a perfect conformity of principles and conduct: that conformity can alone give to the united efforts of the two countries, the necessary energy for their common defence, which will also oppose a barrier to the evils with which Europe is threatened, and secure from every attempt, the safety, tranquillity, and independence of a state, the happiness of which is ensured by your high mightinesses, through the wisdom and energy of its government.

*Done at the Hague, January 25, 1793.*

AUCKLAND.

ADDRESS MOVED IN THE HOUSE OF COMMONS,

FEBRUARY 21, 1793.

THAT the sentiments of the members in opposition, upon the conduct of ministers, and the causes of the war, might remain yet more fully and explicitly upon parliamentary record, Mr. Grey, on the 21st of February, 1793, moved the following well-weighed, judicious, and comprehensive address to his majesty.

“ That an humble address be presented to his majesty, to assure his majesty, that his faithful commons, animated by a sincere and dutiful attachment to his person and family, and to the excellent constitution of this kingdom, as well as by an ardent zeal for the honour and interest of the nation, will at all times be ready to support his majesty in any measures which a due observance of the faith of treaties, the dignity of his crown, or the security of his dominions, may compel him to undertake.

“ That feeling the most earnest solicitude to avert from our country the calamities of war, by every means consistent with honour and with safety, we expressed to his majesty at the opening of the present sessions, ‘ our sense of the temper and prudence which had induced his majesty to observe a strict neutrality with respect to the war on the continent, and uniformly to abstain from any interference in the internal affairs of France,’ and our hope that the steps his majesty had taken would have the happy tendency ‘ to render a firm and temperate conduct effectual for preserving the blessings of peace.’

“ That with the deepest concern we now find ourselves obliged to relinquish that hope, without any evidence having been produced, to satisfy us that his majesty’s ministers have made such efforts as it was their duty to make, and as by his majesty’s most gracious speech we were taught to expect, for the preservation of peace. It is no less the resolution than the duty of his majesty’s faithful commons, to second his efforts in the war thus fatally commenced, so long as it shall continue; but we deem it a duty equally incumbent upon us, to solicit his majesty’s attention to those reasons or pretences by which his servants have laboured to justify a conduct on their part, which we cannot but consider as having contributed in a great measure to produce the present rupture.

“ Various grounds of hostility against France have been stated, but none that appeared to us to have constituted such an urgent and imperious case of necessity as left no room for accommodation, and made war unavoidable. The government of France has been accused of having violated the law of nations, and the stipulations of existing treaties, by an attempt to deprive the republic of the United Provinces of the exclusive navigation of the Scheld. No evidence, however, has been offered to con-

vince us that this exclusive navigation was either in itself, or in the estimation of those who were alone interested in preserving it, of such importance, as to justify a determination in our government to break with France on that account. If in fact, the States-general had shewn a disposition to defend their right by force of arms, it might have been an instance of the truest friendship to have suggested to them for their serious consideration, how far the assertion of this unprofitable claim might, in the present circumstances of Europe, tend to bring into hazard the most essential interests of the republic. But when, on the contrary, it has been acknowledged, that no requisition on this subject was made to his majesty on the part of the States-general, we are at a loss to comprehend on what grounds of right or propriety we take the lead in asserting a claim in which we are not principals, and in which the principal party has not, as far as we know, thought it prudent or necessary to call for our interposition.

“ We must further remark, that the point in dispute seemed to us to have been relieved from a material part of its difficulty, by the declaration of the minister of foreign affairs in France, that the French nation gave up all pretensions to determine the question of the future navigation of the Scheld. Whether the terms of this declaration were perfectly satisfactory or not, they at least left the question open to pacific negotiation, in which the intrinsic value of the object, to any of the parties concerned in it, might have been coolly and impartially weighed against the consequences to which all of them might be exposed, by attempting to maintain it by force of arms.

“ We have been called upon to resist views of conquest and aggrandizement, entertained by the government of France, “ at all times dangerous to the general interests of Europe, but asserted to be peculiarly so when connected with the propagation of principles which lead



to the violation of the most sacred duties, and are utterly subversive of the peace and order of all civil society."

"We admit, that it is the interest and duty of every member of the commonwealth of Europe, to support the established system and distribution of power among the independent sovereignties which actually subsist, and to prevent the aggrandizement of any state, especially the most powerful, at the expence of any other; and for the honour of his majesty's councils, we do most earnestly wish that his ministers had manifested a just sense of the importance of the principle to which they now appeal, in the course of late events, which seemed to us to threaten its entire destruction.

"When Poland was beginning to recover from the long calamities of anarchy, combined with oppression; after she had established an hereditary and limited monarchy like our own, and was peaceably employed in settling her internal government, his majesty's ministers, with apparent indifference and unconcern, have seen her become the victim of the most unprovoked and unprincipled invasion; her territory over-run, her free constitution subverted, her national independence annihilated, and the general principles of the security of nations wounded through her side. With all these evils was France soon after threatened; and with the same appearance either of supine indifference, or of secret approbation, his majesty's ministers beheld the armies of other powers, in evident concert with the oppressor of Poland, advancing to the invasion and subjugation of France; and the march of those armies distinguished from the ordinary hostilities of civilized nations by manifestoes, which, if their principles and menaces had been carried into practice, must have inevitably produced the return of that ferocity and barbarism in war, which a beneficent religion and enlightened manners, and true military ho-

near have for a long time banished from the christian world.

“ No effort appears to have been made to check the progress of these invading armies. His majesty’s ministers, under a pretended respect for the rights and independence of other sovereigns, thought fit at that time to refuse even the interposition of his majesty’s councils and good offices, to save so great and important a portion of Europe from falling under the dominion of a foreign power. But no sooner, by an ever-memorable reverse of fortune, had France repulsed her invaders, and carried her arms into their territory, than his majesty’s ministers, laying aside that collusive indifference which had marked their conduct during the invasion of France, began to express alarms for the general security of Europe, which, as it appears to us, they ought to have seriously felt, and might have expressed with greater justice, on the previous successes of her powerful adversaries.

“ We will not dissemble our opinion, that the decree of the national assembly of France, of the 19th November, 1792, was in a great measure liable to the objections urged against it; but we cannot admit, that a war upon the single ground of such a decree, unaccompanied by any overt-acts by which we or our allies might be directly attacked, would be justified as necessary and unavoidable. Certainly not, unless upon a regular demand made by his majesty’s ministers, of explanation and security in behalf of us and our allies, the French had refused to give his majesty such explanation and security. No such demand was made; explanations, it is true, have been received and rejected; but it well deserves to be remarked and remembered, that these explanations were voluntarily offered on the part of France, not previously demanded on ours, as undoubtedly they would have been, if it had suited the views of his majesty’s ministers to have acted frankly and honourably towards France, and not to have

reserved their complaints for a future period, when explanations, however reasonable, might come too late, and hostilities might be unavoidable.

“ After a review of all those considerations, we think it necessary to represent to his majesty, that none of the points which were in dispute between his ministers and the government of France, appear to us to have been incapable of being adjusted by negotiation, except that aggravation of French ambition which has been stated to arise from the political opinions of the French nation. These indeed we conceive formed neither any definable object of negotiation, nor any intelligible reason for hostility. They were equally incapable of being adjusted by treaty, or of being either refuted or confirmed by the events of war.

“ We need not state to his majesty’s wisdom, that force can never cure delusion; and we know his majesty’s goodness too well, to suppose that he could ever entertain the idea of employing force to destroy opinions, by the extirpation of those who hold them.

“ The grounds upon which his majesty’s ministers have advised him to refuse the renewal of some avowed public intercourse with the existing government of France, appeared to us neither justified by the reason of the thing itself, nor by the usage of nations, nor by any expediency arising from the present state of circumstances. In all negotiations or discussions whatsoever, of which peace is the real object, the appearance of an amicable disposition, and of a readiness to offer and to accept of pacific explanations on both sides, is as necessary and useful to ensure success, as an argument founded on strict right. Nor can it be denied, that claims or arguments of any kind, urged in hostile or haughty language, however equitable or valid in themselves, are more likely to provoke than to conciliate the opposite party. Deploring, as we have ever done, the melancholy event which has lately hap-

pened in France, it would yet have been some consolation to us to have heard, that the powerful interposition of the British nation on this subject had at least been offered, although it should unfortunately have been rejected. But instead of receiving such consolation from the conduct of his majesty's ministers, we have seen them, with extreme astonishment, employing as an incentive to hostilities, an event which they had made no effort to avert by negotiation. This inaction they could only excuse on the principle, that the internal conduct of nations, whatever may be our opinion of its morality, was no proper ground for interposition and remonstrance from foreign states—a principle from which it must still more clearly follow, that such internal conduct could never be an admissible justifying reason for war.

“ We cannot refrain from observing, that such frequent allusions as have been made to an event confessedly no ground of rupture, seemed to us to have arisen from a sinister intention to derive from the humanity of Englishmen, popularity for measures which their deliberate judgment would have reprobated, and to influence the most virtuous sensibilities of his majesty's people, into a blind and furious zeal for a war of vengeance.

“ His majesty's faithful commons therefore, though always determined to support his majesty with vigour and cordiality in the exertions necessary for the defence of his kingdoms, yet feel that they are equally bound by their duty to his majesty, and to their fellow-subjects, to declare in the most solemn manner, their disapprobation of the conduct of his majesty's ministers throughout the whole of these transactions; a conduct which, in their opinion, could lead to no other termination but that to which it seems to have been studiously directed, of plunging this country into an unnecessary war. The calamities of such a war must be aggravated in the estimation of every rational mind, by reflecting on the peculiar advan-



tages of that fortunate situation which we have so unwisely abandoned, and which not only exempted us from sharing in the distresses and afflictions of the other nations of Europe, but converted them into sources of benefit, improvement, and prosperity to this country.

“ We therefore humbly implore his majesty’s paternal goodness, to listen no longer to the councils which have forced us into this unhappy war, but to embrace the earliest occasion which his wisdom may discern, of restoring to his people the blessings of peace.”

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Mr. Pitt declaring in a few words, that it was unnecessary to enter upon any new discussion relative to the grounds and reasons of the war, upon the present occasion, the question was put upon the motion of Mr. Grey, and the address, framed, as it must appear in the view of posterity to be, in the true and genuine spirit of political wisdom, was negatived without a division.

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MEMORIAL PRESENTED BY THE BRITISH AND IMPERIAL MINISTERS, TO THE STATES-GENERAL OF THE UNITED PROVINCES,  
APRIL 5, 1793.

HIGH AND MIGHTY LORDS,

It is known, that towards the month of September, last year, his Britannic majesty and your high mightinesses gave, in concert, a solemn assurance, that in case the imminent danger which then threatened the lives of their most Christian majesties and their families, should be realized, his majesty and your high mightinesses would not fail to pursue the most efficacious measures to prevent the persons who might render themselves guilty of so atrocious a crime, from finding any asylum in your respective states. This event, which was with horror foreseen,

has taken place, and the divine vengeance seems not to have been tardy. Some of these detestable regicides are now in such a situation that they can be subjected to the sword of the law. The rest are still in the midst of a people whom they have plunged into an abyss of evils, and for whom famine, anarchy, and civil war, are about to prepare new calamities. In short, every thing that we see happen, induces us to consider as not far distant, the end of these wretches, whose madness and atrocities have filled with terror and indignation all those who respect the principles of religion, morality, and humanity.

The undersigned therefore submit to the enlightened judgment and wisdom of your high mightinesses, whether it would not be proper to employ all the means in your power, to prohibit from entering your states in Europe, or your colonies, all those members of the pretended national convention, or of the pretended executive council, who have directly or indirectly participated in the said crime; and if they should be discovered and arrested, to deliver them up to justice, that they may serve as a lesson and example to mankind.

*Done at the Hague, this 5th April, 1793.*

AUCKLAND.

C. DE STAREMBERG.

DECLARATION OF THE KING OF GREAT BRITAIN,  
RELATIVE TO THE WAR WITH FRANCE,

OCTOBER 29, 1793.

THE circumstances in consequence of which his majesty has found himself engaged in a defensive war against France, are known already to all Europe. The objects which his majesty has proposed to himself from the commencement of the war, are of equal notoriety. To repel an un-

provoked aggression, to contribute to the immediate defence of his allies, to obtain for them, and for himself, a just indemnification, and to provide, as far as circumstances will allow, for the future security of his own subjects, and of all the other nations of Europe:—these are the points for which his majesty has felt it incumbent on him to employ all the means which he derives from the resources of his dominions, from the zeal and affection of his people, and from the unquestionable justice of his cause.

But it has become daily more and more evident, how much the internal situation of France obstructs the conclusion of a solid and permanent treaty, which can alone fulfil his majesty's just and salutary views for the accomplishment of these important objects, and for restoring the general tranquillity of Europe. His majesty sees therefore, with the utmost satisfaction, the prospect which the present circumstances afford him of accelerating the return of peace, by making to the well-disposed part of the people of France a more particular declaration of the principles which animate him, of the objects to which his views are directed, and of the conduct which it is his intention to pursue. With respect to the present situation of affairs, the events of the war, the confidence reposed in him by one of the most considerable cities of France, and above all, the wish which is manifested almost universally in that country, to find a refuge from the tyranny by which it is now overwhelmed, render the explanation on his majesty's part a pressing and indispensable duty; and his majesty feels additional satisfaction in making such a declaration, from the hope of finding in the other powers engaged with him in the common cause, sentiments and views perfectly conformable to his own.

From the first period when his most Christian majesty, Louis XVI. had called his people around him to join in concerting measures for their common happiness, the king

has uniformly shewn by his conduct, the sincerity of his wishes for the success of so difficult, but at the same time so interesting an undertaking. His majesty was deeply afflicted with all the misfortunes which ensued, but particularly when he perceived more and more evidently, that measures, the consequences of which he could not disguise from himself, must finally compel him to relinquish the friendly and pacific system which he had adopted. The moment at length arrived, when his majesty saw that it was necessary for him not only to repel the unjust aggression which he had recently experienced, but that all the dearest interests of his people, imposed upon him a duty still more important—that of his exerting his efforts for the preservation of civil society itself, as happily established among the nations of Europe.

The designs which had been professed, of reforming the abuses of the government of France, of establishing personal liberty, and the rights of property, on a solid foundation, of securing to an extensive and populous country the benefits of a wise legislation, and an equitable and mild administration of its laws—all these salutary views have unfortunately vanished. In their place has succeeded a system destructive of all public order, maintained by proscriptions, exiles, and confiscations, without number; by arbitrary imprisonments, by massacres which cannot even be remembered without horror, and at length by the execrable murder of a just and beneficent sovereign, and of the illustrious princess, who, with an unshaken firmness, has shared all the misfortunes of her royal consort, his protracted sufferings, his cruel captivity, his ignominious death.

The inhabitants of that unfortunate country, so long flattered by promises of happiness, renewed at every fresh crime, have found themselves plunged into an abyss of unexampled calamities; and neighbouring nations, instead of deriving a new security for the maintenance of



general tranquillity, from the establishment of a wise and moderate government, have been exposed to the repeated attacks of a ferocious anarchy, the natural and necessary enemy of all public order. They have had to encounter acts of aggression without pretext, open violations of all treaties, unprovoked declarations of war: in a word, whatever corruption, intrigue, or violence could effect for the purpose, so openly avowed, of subverting all the institutions of society, and of extending over all the nations of Europe that confusion which has produced the misery of France.

This state of things cannot exist in France, without involving all the surrounding powers in one common danger, without giving them the right, without imposing it upon them as a duty, to stop the progress of an evil which exists only by this excessive violation of all law, and all property, and which attacks the fundamental principles by which mankind is united in the bonds of civil society. His majesty by no means disputes the right of France to reform its laws. It never would have been his wish to employ the influence of external force with respect to the particular form of government to be established in an independent country. Neither has he now that wish, except in so far as such interference is become essential to the security and repose of other powers.

Under these circumstances, he demands from France, and he demands with justice, the termination of a system of anarchy which has no force but for the purposes of mischief: unable to discharge the primary duty of all government, to repress the disorders, or to punish the crimes which are daily increasing in the interior of the country, but disposing arbitrarily of the property and blood of the inhabitants of France, in order to disturb the tranquillity and blood of other nations, and to render all Europe the theatre of the same crimes, and of the same misfortunes. The king demands that some legitimate and stable

government should be established, founded on the acknowledged principles of universal justice, and capable of maintaining with other powers the accustomed relations of union and peace. His majesty wishes ardently to be enabled to treat for the re-establishment of general tranquillity with such a government, exercising a legal and permanent authority, animated with the wish for general tranquillity, and possessing power to enforce the observance of its engagements. The king would propose none other than equitable and moderate conditions ; not such as the expences, the risque, and the sacrifices of the war might justify, but such as his majesty thinks himself under the indispensable necessity of requiring with a view to these considerations, and still more, to that of his own security, and of the future tranquillity of Europe. His majesty desires nothing more sincerely, than thus to terminate a war which he in vain endeavoured to avoid, and all the calamities of which, as now experienced by France, are to be attributed only to the ambition, the perfidy, and the violence of those whose crimes have involved their own country in misery, and disgraced all civilized nations.

As his majesty has hitherto been compelled to carry on war against the people of France collectively, to treat as enemies all those who suffer their property and blood to be lavished in support of an unjust aggression, his majesty would see with infinite satisfaction, the opportunity of making exceptions in favour of the well disposed inhabitants of the other parts of France, as he has already done with respect to those of Toulon. The king promises on his part the suspension of hostilities, friendship, and, as far as the course of events will allow, or which the will of man can dispose, security and protection, to all those who, by declaring for a monarchical government, shall shake off the yoke of a sanguinary anarchy, of that anarchy which has broken all the most sacred bonds of society, dissolved all the relations of civil life, violated every

right, confounded every duty; which uses the name of liberty to exercise the most cruel tyranny, to annihilate all property, to seize on all possessions; which founds its power on the pretended consent of the people, and itself carries fire and sword through extensive provinces, for having demanded their laws, their religion, and their lawful sovereign.

• It is then in order to deliver themselves from this unheard-of oppression, to put an end to a system of unparalleled crimes, and to restore at length tranquillity to France, and security to all Europe, that his majesty invites the co-operation of the people of France. It is for these objects that he calls upon them to join the standard of an hereditary monarchy, not for the purpose of deciding in this moment of disorder, calamity, and public danger, on all the modifications of which this form of government may hereafter be susceptible; but in order to unite themselves once more under the empire of law, of morality, and of religion; and to secure at length to their own country external peace, domestic tranquillity, a real and genuine liberty, a wise, moderate, and beneficent government, and the uninterrupted enjoyment of all the advantages which can contribute to the happiness and prosperity of a great and powerful nation.

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This memorable declaration on the part of the king of Great Britain, is framed with extreme art and plausibility, and a great external shew of candour, but, as will appear on an attentive examination, a deep and insidious design. The general tenor of the composition of this paper, considered either in a literary or political view, bears so striking an analogy to the speeches of Mr. Pitt in parliament, that it may without hesitation be ascribed to him as the principal author.

The main question to be resolved is, what at this period

period, and veiled under this pompous parade of moderation, were the real political views of the court of London?

I. A disposition is apparent throughout, to paint in the most odious colours the revolution which had taken place in France, without any discrimination of times or persons, and to represent in the most favourable light, and as a state of great felicity and prosperity, that monarchical despotism under which the French nation had for centuries groaned, and from which a vast majority of that people had so ardently wished to be relieved.

II. The present conventional government is described as dangerous to the peace and order of civilized society, and as of itself not only justifying the confederacy formed for its destruction, but as imposing a duty upon all regular governments to exert their utmost efforts for this end.

III. It is therefore evident, that the restoration of the ancient monarchy of France, was the real end and purpose of the confederacy in which Britain was now engaged; but combined with a plan of dismemberment to an indefinite extent, under the pretext of indemnification for past injuries, and security against future attacks. But in every one of these particulars, either the assertions of the declaration are grossly false, or its reasonings miserably fallacious.

It is, *first*, utterly and palpably false, that "civil society itself was," previous to the revolution in question, "happily established," as the declaration affirms, "among the nations of Europe." On the contrary, with the exceptions of England, Holland, and Switzerland, Europe presented a melancholy view of the most dreadful oppression, blended with, and strengthened by, the most wretched and abject superstition: and France in particular, for near 200 years, had cruelly suffered under the tyranny of a detested race, which she possessed precisely the same right, whenever she acquired the power, to throw off, as Great



Britain to expel the equally odious family of the Stuarts. Nor will it be admitted that Louis XVI., a prince naturally mild and beneficent, but feeble in intellect, corrupted by power, and destitute of sincerity, had voluntarily "called his people around him, to join in concerting measures for their common happiness." This was the effect of an over-ruling political necessity; and from the æra of the establishment of the new constitution, to which he with studied hypocrisy feigned, and on divers occasions solemnly expressed his assent, he was engaged in secretly plotting the means of its subversion. His death, therefore, was not "an execrable murder," but a severe and awful act of national and retributive justice; demanding our sympathy indeed, but not our reproaches, and much less our vengeance.

It is false, *secondly*, that the horrible system actually established in France at this period, though founded on proscription, confiscation, and massacre, was yet incapable of maintaining with other powers, the relations of amity and peace. To say otherwise, is to oppose declamation and invective to fact. It is certain, that with Denmark, Sweden, and America, France had in these circumstances preserved these relations inviolate, and that she had shewn an eager inclination also to maintain, and when broken, to re-establish, the same relations with England: a vicious government not being more willing, unnecessarily, to increase the number of its enemies, than a virtuous one.

Allowing, however, *thirdly*, that England had received injuries from France, justifying hostilities against that power, it is a most fallacious and dangerous conclusion, that from *the very commencement of the war*, England had a right not only to demand the redress of these injuries, but *also* to advance a vague and indefinite claim of indemnification. Should this be admitted as an established rule of national policy, and the secondary claim

of indemnification become thus identified with the original claim of redress, every accidental misunderstanding between two equal powers, must instantly swell into a serious and interminable quarrel. And the probability is, that in carrying on a war for the avowed purpose of indemnification, ten times more will be expended, than the value of the indemnification could be reasonably estimated at, supposing that it were, contrary to the general tenor of experience in similar cases, ultimately obtained.

The prospects held out to the "well disposed" people of France in this declaration, are altogether deceitful and visionary. They are exhorted "to join the standard of an hereditary monarchy, in order to unite themselves once more under the empire of law, of morality, and religion; and to secure to themselves a real and genuine liberty." This is only to be done conformably to the declaration, by an unreserved restoration of the ancient despotism. For they are not permitted previously to deliberate "on the modifications of which this form of government might hereafter be susceptible," and much less assured that those modifications which had been actually and publicly assented to by the late monarch, would be made the basis of the future government. But were the ancient monarchy once re-established, can credulity itself believe, that any gratuitous modifications of that government would be the subsequent result? or rather that the most barbarous vengeance would not be exercised upon all those who were principally concerned in its overthrow?—as was already proved indeed to demonstration, by the treatment which La Fayette and his unfortunate companions had met with from the Prussian and Austrian courts.

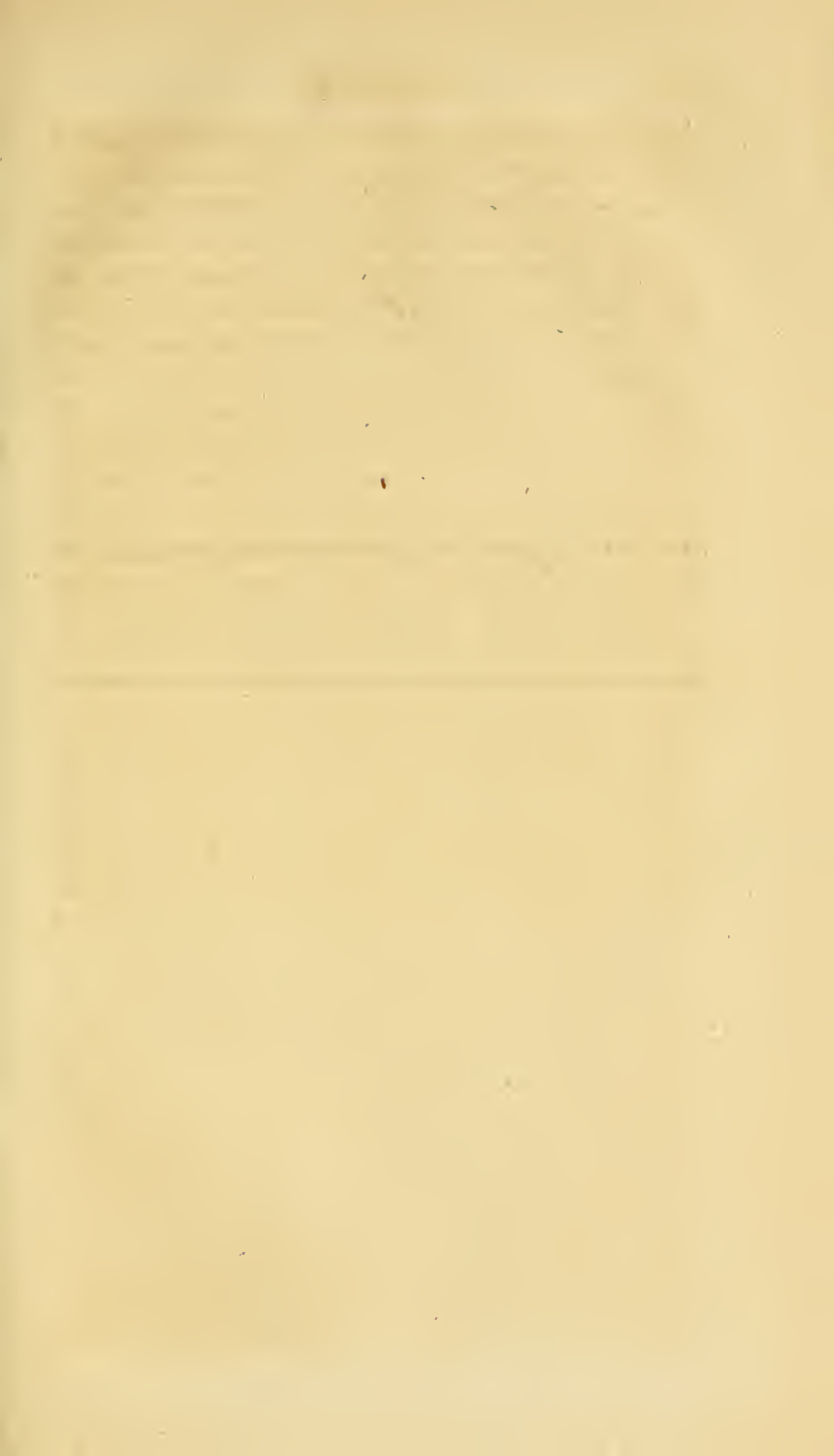
With respect to the nature of the indemnifications themselves, claimed at this very early period of the war by the court of London, in the name of the confederate powers, the assurances held out are to the last degree

futile and fallacious. “The objects of his Britannic majesty,” this declaration says, “are to obtain for himself and his allies, a just indemnification, and to provide, as far as circumstances will allow, for the future security of his own subjects, and of all the other nations of Europe.” And again—“The king would propose none other than equitable and moderate conditions; not such as the expenses, the risque and the sacrifices of the war might justify, but such as his majesty thinks himself under the indispensable necessity of requiring with a view to these considerations, and still more, to that of his own security, and of the future tranquillity of Europe.” Now what these ends and purposes would require, not admitting of a distinct specification, must of course be left to the tried equity and justice of those persons—the great and good allies of Britain;—she herself being as far removed from the suspicion of selfish and inordinate ambition, as the EAST is from the WEST—of those very persons, it is necessary to repeat, who had a few years since divested Poland of her fairest provinces, and who were at this very moment, after destroying the dawning hopes of her infant freedom and rising prosperity, with savage and bloody exultation, preparing to blot her name and memory for ever from the map of Europe.

END OF VOL. IX.

The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations (1) under the conditions (2). It is shown that the system (1) has a solution if and only if the conditions (2) are satisfied. The second part of the paper is devoted to the study of the properties of the solutions of the system (1). It is shown that the solutions of the system (1) are unique and that they depend continuously on the data of the problem. The third part of the paper is devoted to the study of the asymptotic properties of the solutions of the system (1). It is shown that the solutions of the system (1) tend to zero as  $t \rightarrow \infty$ . The fourth part of the paper is devoted to the study of the stability properties of the solutions of the system (1). It is shown that the solutions of the system (1) are stable in the sense of Lyapunov. The fifth part of the paper is devoted to the study of the bifurcation properties of the solutions of the system (1). It is shown that the solutions of the system (1) undergo a bifurcation at a certain point. The sixth part of the paper is devoted to the study of the global properties of the solutions of the system (1). It is shown that the solutions of the system (1) are bounded and that they exist for all time. The seventh part of the paper is devoted to the study of the qualitative properties of the solutions of the system (1). It is shown that the solutions of the system (1) are periodic and that they have a certain number of turning points. The eighth part of the paper is devoted to the study of the numerical properties of the solutions of the system (1). It is shown that the solutions of the system (1) can be computed numerically and that they are stable under perturbations. The ninth part of the paper is devoted to the study of the physical properties of the solutions of the system (1). It is shown that the solutions of the system (1) have a certain physical interpretation. The tenth part of the paper is devoted to the study of the mathematical properties of the solutions of the system (1). It is shown that the solutions of the system (1) are smooth and that they satisfy certain regularity conditions.







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VOLUME THE TENTH.

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THE TENTH

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# APPENDIX:

CONTAINING

*STATE PAPERS AND AUTHORITIES,*

TO THE

TENTH VOLUME.

THE DUKE OF BRUNSWICK TO THE KING OF  
PRUSSIA,

JANUARY 6, 1794.

SIRE,

THE motives which induce me to solicit my recall from the army, are founded on the unhappy experience, that the want of concert, the egotism, the spirit of cabal and distrust, have frustrated all the measures which had been adopted during the last two campaigns, and continue to disconcert all those which have been adopted by the combined armies. Overwhelmed by the misfortune of being exposed, through the misconduct of others, to the unhappy situation in which I am placed, I feel with bitter regret, that the world appreciates generals only according to their success, without giving itself the trouble of entering into any examination. The raising of the siege of Landau marks a period in the history of this unfortunate war, and I have the ill-fortune to be implicated in it; I am loaded with reproaches, and the innocent is confounded with the guilty.

Notwithstanding so many disasters, I should not have

presented to your majesty my desire to renounce a profession which has been the principal study of my life; but when a man has lost all the fruits of his cares, his labours, and his efforts; when there no longer remains a hope of accomplishing the purpose of the campaign, nor that a third promises a happier issue, what remains for a person the most attached to your majesty, the most zealous for your interests and your cause, but to desist from exposing himself to extreme calamities? The same causes which have hitherto divided the powers, divide them still; the movements of the armies will again suffer as they have suffered; they will experience delay and embarrassment; time will be necessary to recruit the Prussian army; policy absolutely requires it. These delays will perhaps prove the source of a train of misfortunes in the ensuing campaign, whose consequences are incalculable. I do not object to the war; it is not war I would avoid; but I dread the dishonour attached to my situation, by the errors which the other generals will reflect on me, and because I can neither act according to my designs nor my principles.

Your majesty will easily recollect what I had the honour of representing to you the day you left Escheveilers. I explained to you all my difficulties, my troubles, and my misfortunes. I have made every exertion to prevent all inconveniences; unhappily the event has proved their inefficacy. It is therefore from the thorough persuasion of my inability to render any essential service, that I am induced to entreat your majesty to appoint me a successor as speedily as possible. But this determination, however distressing it may be to me, does not result from the melancholy reflections suggested by my situation. Prudence requires that I should retire, and honour commands it. When a great nation, such as that of France, conducts itself by the terror of punishments, and by enthusiasm, the combined powers ought to be guided by but

one sentiment and one principle; but if, instead of cooperating with this unanimity, each army acts separately, and without concerting with the others, without fixed plans, without concord, and without principle; the consequences to be expected are such as we have seen at Dunkirk, at raising the siege of Maubeuge, at the capture of Lyons, at the destruction of Toulon, and when we raised the siege of Landau. May heaven preserve your majesty from great misfortunes! but every thing is to be dreaded, unless constancy, harmony, and uniformity of sentiments, of principles, and actions, assume the place of opposite sentiments, which, during the last two years have occasioned so many calamities. I offer up my most sincere prayers for your majesty; your glory will be my happiness.

*Oppenheim, 6th January, 1794.*



CORRESPONDENCE BETWEEN MR. WICKHAM AND  
M. BARTHELEMY.

*A. D. 1796.*

MR. WICKHAM TO M. BARTHELEMY.

*Berne, March 8, 1796.*

THE undersigned, his Britannic majesty's minister plenipotentiary to the Swiss Cantons, is authorized to convey to monsieur Barthelemy, the desire of his court to be made acquainted through him, with the dispositions of France, in regard to the object of a general pacification. He therefore requests M. Barthelemy to transmit to him in writing, and after having made the necessary inquiries, his answer to the following questions:

I. Is there the disposition in France to open a negotiation with his majesty and his allies, for the re-establishment of a general peace upon just and suitable terms, by

sending for that purpose, ministers to a congress at such place as may hereafter be agreed upon?

II. Would there be the disposition to communicate to the undersigned, the general grounds of a pacification, such as France would be willing to propose; in order that his majesty and his allies might thereupon examine in concert, whether they are such as might serve as the foundation of a negotiation for peace?

III. Or would there be a desire to propose any other way whatever, for arriving at the same end, that of a general pacification?

The undersigned is authorized to receive from M. Barthelemy, the answers to these questions, and to transmit them to his court; but he is not authorized to enter with him into negotiation, or discussion upon these subjects.

W. WICKHAM,

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M. BARTHELEMY TO MR. WICKHAM.

*Basle, 6th Germinal, 4th Year,*  
(*March 26, 1796*).

The undersigned ambassador of the French republic to the Helvetic body, has transmitted to the executive directory, the note which Mr. Wickham, his Britannic majesty's minister plenipotentiary to the Swiss Cantons, was pleased to convey to him, dated the 8th March. He has it in command to answer it, by an exposition of the sentiments and dispositions of the executive directory.

The directory ardently desires to procure for the French republic a just, honourable, and solid peace. The step taken by Mr. Wickham would have afforded to the directory a real satisfaction, if the declaration itself which that minister makes, of his not having any order, any



power to negotiate, did not give room to doubt of the sincerity of the pacific intentions of his court. In fact, if it were true, that England began to know her real interests, that she wished to open again for herself, the sources of abundance and prosperity; if she sought for peace with good faith, would she propose a congress, of which the necessary result must be to render all negotiation fruitless? or would she confine herself to the asking in a vague manner, that the French government should point out any other way whatever for attaining the same object, that of a general pacification?

Is it that this step has had no other object than to obtain for the British government the favourable impression which always accompanies the first overtures for peace? may it not have been accompanied with the hope, that they would produce no effect?

However that may be, the executive directory, whose policy has no other guides than openness and good faith, will follow in its explanations, a conduct which shall be wholly conformable to them. Yielding to the ardent desire by which it is animated to procure peace for the French republic, and for all nations, it will not fear to declare itself openly. Charged by the constitution with the execution of the laws, it cannot make or listen to any proposal that would be contrary to them. The constitutional act does not permit it to consent to any alienation of that which, according to the existing laws, constitutes the territory of the republic.

With respect to the countries occupied by the French armies, and which have not been united to France, they as well as other interests, political and commercial, may become the subjects of a negotiation, which will present to the directory, the means of proving how much it desires to attain speedily to a happy pacification.

The directory is ready to receive in this respect, any

overtures that shall be just, reasonable, and compatible with the dignity of the republic.

BARTHELEMY.

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DECLARATION OF THE COURT OF LONDON,  
RELATIVE TO THE ABOVE CORRESPONDENCE.

THE COURT of London has received from its minister in Switzerland, the answer made to the questions which he had been charged to propose to monsieur Barthelemy, in respect to the opening of a negotiation for the re-establishing of general tranquillity.

This court has seen with regret, how far the tone and spirit of that answer, the nature and extent of the demands which it contains, and the manner of announcing them, are remote from any disposition for peace.

The inadmissible pretension is there avowed, of appropriating to France, all that the laws actually existing there may have comprised under the denomination of French territory. To a demand such as this, is added an express declaration, that no proposal contrary to it will be made, or even listened to. And even this, under the pretence of an internal regulation, the provisions of which are wholly foreign to all other nations. While these dispositions shall be persisted in, nothing is left for the king but to prosecute a war equally just and necessary.

Whenever his enemies shall manifest more pacific sentiments, his majesty will at all times be eager to concur in them, by lending himself in concert with his allies, to all such measures as shall be best calculated to re-establish general tranquillity, on conditions just, honourable, and permanent, either by the establishment of a congress, which has been so often and so happily the means of re-

storing peace to Europe, or by a preliminary discussion of the principles which may be proposed on either side, as a foundation of a general pacification. Or lastly, by an impartial examination of any other way which may be pointed out to him, for arriving at the same salutary end.

*Downing-street, April 10, 1796.*

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Although the French executive directory did not think fit, after the example of the court of London, to publish a formal declaration upon this occasion, the official journal of the *Moniteur* contained some severe reflections upon the English cabinet, in relation to this real or pretended overture of pacification.

“Either,” says the French journalist, “the coalesced powers are blind, or they must be now convinced, by the manner in which Mr. Wickham commenced his negotiations, that he wished they should speedily be broken off.

“The following is the real signification of the note which he transmitted to our ambassador in Switzerland. ‘The government which I represent, is too proud to acknowledge the French republic; therefore I shall not give you, her minister, any qualification, and instead of naming the French government, I shall say simply France. I shall not tell you what are the conditions to which England and her allies will accede; but I will dare to demand boldly from you, that France should first give me the precise knowledge of the propositions which she may have to make. In order that the absurdity of my conduct may be more striking, I declare to you, that I, who thus interrogate you, am not authorized to enter into any official negotiation or discussion with you.’”

Undoubtedly, the directory might have dispensed with a reply to a negotiator who is not authorized to negotiate.

The French government might have declared, that they would not disclose their intentions to any other than an agent authorized to disclose the intentions of the English government. But probably such an answer, however just, would have served the purposes of the British minister; perhaps it was to provoke it, that his envoy drew up so extraordinary a note; but it was more noble and worthy of the French nation to say, “we see that you do not wish for peace, which you pretend to demand: peace, on the contrary, is the object of all our wishes. You expect from us no explanation, but we will give you one. A part of the conquests made by our armies, has been united to the territory of the republic. The constitutional act does not permit the government to alienate that territory. The other countries occupied by our armies may become the subject of negotiation.”

Such is the substance of the reply of the French government, yet the British cabinet has published reflections, in which they treat the pretensions of France as inadmissible, and declare that it only remains for England to prosecute the war. This is the object which the British ministers wished to attain.

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### PROTEST AGAINST THE ADDRESS OF THE HOUSE OF PEERS,

IN ANSWER TO THE SPEECH FROM THE THRONE, ANNOUNCING THE COMMENCEMENT OF A NEGOTIATION FOR PEACE WITH THE FRENCH REPUBLIC, OCTOBER, 1796.

On the 6th October, 1796, at the opening of the session, the king, in his speech from the throne, informed the two houses, “that the steps which he had taken for the purpose of restoring peace to Europe, had at length



opened the way to an immediate and direct negotiation with France." In their addresses, both lords and commons expressed their cordial approbation of this measure.

Lord Fitzwilliam alone, in the upper house, declared his total dissent from it, and moved an amendment, importing, "that the house, strongly impressed with the justice and necessity of the present war, carried on for the maintenance of civil and moral order in the world, and for securing the balance of power in Europe, and the independence of all states, will continue to give his majesty a vigorous support, in asserting the general cause of his majesty and his allies, and for preserving the good faith, dignity and honour of the crown, in full assurance, that no steps shall be taken inconsistent with those principles," &c. This being negatived without a division, that nobleman entered upon the journals of the house, a **PROTEST**, containing no less than ten elaborate and distinct reasons for his non-concurrence in the address. This protest was generally affirmed and believed to be the production of Mr. Burke, and it bears strong internal marks of his pen.

### *Dissentient,*

I. Because by this address, unamended as it stands, the sanction of the lords is given to a series of measures, as ill-judged with regard to their object, as they are derogatory from the dignity of his majesty's crown and from the honour of his kingdom. The reiteration of solicitations for peace, to a species of power with whose very existence all fair and equitable accommodation is incompatible, can have no other effect than that which it is notorious all our solicitations have hitherto had. They must increase the arrogance and ferocity of the common

enemy of all nations; they must fortify the credit and fix the authority of an odious government over an enslaved people; they must impair the confidence of all other powers in the magnanimity, constancy, and fidelity, of the British councils; and it is much to be apprehended, they will inevitably tend to break the spring of that energy, and to lower that spirit, which has characterized in former times this high-minded nation, and which, far from sinking under misfortune, has even risen with the difficulties and dangers in which our country has been involved.

II. Because no peace, such as may be capable of recruiting the strength, economizing the means, augmenting the resources, and providing for the safety of this kingdom, and its inseparable connexions and dependencies, can be had with the usurped power now exercising authority in France, considering the description, the character, and the conduct of those who compose that government, the methods by which they have obtained their power, and policy by which they hold it, and the maxims they have adopted, openly professed, and uniformly acted on, towards the destruction of all governments not formed on their model, and subservient to their domination.

III. Because the idea that this kingdom is competent to defend itself, its laws, liberties, and religion, under the general subjugation of all Europe, is presumption in the extreme, contradictory to the supposed motives for our present eager solicitations for peace, and is certainly contrary to the standing policy both of state and commerce, by which Great Britain has hitherto flourished.

IV. Because, while the common enemy exercises his power over the several states of Europe in the way we have seen, it is impossible long to preserve our trade, or what cannot exist without it, our naval power. This hostile system seizes on the keys of the dominions of these powers without any consideration of their friendship, their

enmity, or their neutrality; prescribes laws to them as to conquered provinces; mulcts and fines them at pleasure; forces them without any particular quarrel into direct hostility with this kingdom, and expels us from such ports and markets as she thinks fit, insomuch, that Europe remaining under its present slavery, there is no harbour which we can enter without her permission, either in a commercial or a naval character. This general interdict cannot be begged off; we must resist it by our power, or we are already in a state of vassalage.

V. Because, whilst this usurping power shall continue thus constituted and thus disposed, no security whatever can be hoped for in our colonies and plantations, those invaluable sources of our national wealth and our naval power. This war has shewn, that the power prevalent in France, by intentionally disorganizing the plantation system which she had in common with all other European nations, and by inverting the order and relations therein established, has been able with a naval force altogether contemptible, and with very inconsiderable succours from Europe, to baffle in a great measure the most powerful armament ever sent from this country into the West Indies, and at an expense hitherto unparalleled; and has by the force of example, and by the effects of her machinations, produced, at little or no expense to herself either of blood or treasure, universal desolation and ruin, by the general destruction of every thing valuable and necessary for cultivation throughout several of our islands, lately among the most flourishing and productive. The new system by which these things have been effected, leaves our colonies equally endangered in peace as in war. It is therefore with this general system, of which the West India scheme is but a ramification, that all ancient establishments are essentially at war for the sake of self-preservation.

VI. Because it has been declared from the throne, and in effect the principle has been adopted by parliament,

that there was no way likely to obtain a peace commonly safe and honourable, but through the ancient and legitimate government long established in France. That government in its lawful succession has been solemnly recognized, and assistance and protection as solemnly promised to those Frenchmen who should exert themselves in its restoration. The political principle upon which this recognition was made, is very far from being weakened by the conduct of the newly invented government. Nor are our obligations of good faith pledged on such strong motives of policy to those who have been sound in their allegiance dissolved, nor can they be so, until fairly directed efforts have been made to secure this great fundamental point. None have yet been employed with the smallest degree of vigour and perseverance.

VII. Because the example of the great change made by the usurpation in the moral and political world, more dangerous than all her conquests, is by the present procedure confirmed in all its force. It is the first successful example furnished by history, of the subversion of the ancient government of a great country, and of all its laws, orders, and religion, by the corruption of mercenary armies, and by the seduction of a multitude bribed by confiscation to sedition, in defiance of the sense, and to the entire destruction of almost the whole proprietary body of the nation. The fatal effects of this example must be felt in every country. New means, new arms, new prettexts, are furnished to ambition, and new persons are intoxicated with that poison.

VIII. Because our eagerness in suing for peace, may induce the persons exercising power in France, erroneously to believe that we act from necessity, and are unable to continue the war; a persuasion which, in the event of an actual peace, will operate as a temptation to them to renew that conduct which brought on the present war; neither shall we have any of the usual securities in peace. In



their treaties they do not acknowledge the obligation of the law, which for ages has been common to all Europe. They have not the same sentiments, nor the same ideas of their interest, in the conservation of peace, which have hitherto influenced all regular governments; they do not in the same manner feel public distress, or the private misery of their subjects; they will not find the same difficulty on the commencement of a new war, to call their whole force into sudden action, where by the law, every citizen is a soldier, and the person and properties of all, are liable at once to arbitrary requisitions. On the other hand, no attempt has been made to shew in what manner, whether by alliances, by force, military, or naval, or by the improvement and augmentation of our finances, we shall be better able to resist their hostile attempts after the peace than at the present hour. If we remain armed, we cannot reap the ordinary advantage of peace in economy: if we disarm, we shall be subject to be driven into a new war, under every circumstance of disadvantage, unless we now prepare ourselves to suffer with patience and submission, whatever insults, indignities, and injuries, we may receive from that insolent, domineering, and unjust power.

IX. Because the inability of humbling ourselves again to solicit peace, in a manner which is a recognition of the French republic, contrary to all the principles of the war; the danger of peace if obtained, the improbability of its duration, and the perseverance of the enemy throughout the interval of peace in their mischievous system, is not conjecture, but certainty. It has been avowed by the actual governors of France, at the very moment when they had before them our application for a passport. They chose that moment for publishing a state-paper breathing the most hostile mind. In it they stimulate and goad us by language the most opprobrious and offensive. They frankly tell us that it is not our interest to desire

peace, for that they regard peace only as the opportunity of preparing fresh means for the annihilation of our naval power. By making peace, they do not conceal that it will be their object “to wrest from us our maritime preponderancy;” to re-establish what they invidiously call the freedom of the seas; to give a new impulse to the Spanish, Dutch, and French marines; and to carry to the highest degree of prosperity, the industry and commerce of those nations, “which they state to be our rivals, which they charge us with unjustly attacking when we can no longer dupe;” and which they throughout contemplate as their own dependencies united in arms, and furnishing resources for our future humiliation and destruction. They resort to that well-known and constant allusion of theirs to ancient history, by which representing “France as modern Rome, and England as modern Carthage,” they accuse us of national perfidy, and hold England up “as an object to be blotted out from the face of the earth.” They falsely assert that the English nation supports with impatience the continuance of the war, and has extorted all his majesty’s overtures for peace “by complaints and reproaches,”—and above all, not only in that passage, but throughout their official note, they shew the most marked adherence to that insidious and intolerable policy of their system, by which they from the commencement of the revolution sought to trouble and subvert all the governments in Europe. They studiously disjoin the English nation from its sovereign.

X. Because, having acted throughout the course of this awful and momentous crisis upon the principles herein expressed, and after having on the present occasion not only fully re-considered, and jealously examined their soundness and validity, but gravely attended to, and scrupulously weighed the merits of all those arguments which have been offered to induce a dereliction of them, conscientiously adhering to, and firmly abiding by them, I thus

solemnly record them in justification of my own conduct, and in discharge of the duty I owe to my king, my country, and the general interests of civil society.

WENTWORTH FITZWILLIAM.

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REMARKS.

*1st*, The main strength of this reasoning depends upon the absurd assumption, that the French republic is “a species of power” incapable of sustaining the common relations of peace and amity—an assumption contradicted by fact, as she had from the very commencement of the contest, actually maintained those relations with the Scandinavian powers, and had very recently concluded treaties of peace with Prussia, Spain, and the northern circles of Germany. As to the other part of the argument, that the solicitation of the British court would increase the arrogance of the Gallic republic, this was the unfortunate and necessary consequence of the pride and folly of the system previously adopted by the British cabinet.

*2dly*, As the former argument affirmed that the French were incapable of maintaining the relations of peace, and amity from the nature of their government, so this deduces the same conclusion from the character of their governors, which conclusion is equally contrary in both cases to public and acknowledged facts. Supposing the characters of the French directory to be ever so enormously flagitious, is that a reason why they should wish to carry on a war against all the world? At all events, the characters of the directory could not be worse than that of several of those potentates whom the court of London had been proud to reckon amongst the number of her allies.

*3dly*, To argue upon the supposition of the total subjugation of Europe by France, appears perfectly absurd, when there was every reason to believe that a general peace might at any time be made by the cession of the low countries and Savoy to the Gallic republic. But for England to carry

on the war, for the purpose of recovering the low countries, in conjunction with Austria alone, when Holland was in the hands of the French, and Prussia, Spain, and Sardinia, had totally seceded from the confederacy, was the most egregious political quixotism—such indeed as it well became the authors of the present war to defend; and on which, as is well known, the negotiation ultimately broke off.

*Athly*, It is difficult to make common sense of this reasoning. If the temporary ascendancy acquired by France in this war, was in consequence of the defection of any of the powers of the alliance, and the submission of the neutral powers so great, and the injury done to the English commerce and naval power so extensive, as is here pretended, the plain inference is, that Britain should endeavour to negotiate a peace for herself and her remaining allies, on the best terms that circumstances would admit. For unless the nations on the continent, by an unanimous and magnanimous effort, would exert themselves to repair their own losses, who will affirm that England either could or ought, unsupported, to fight their battles, or submit passively to their caprices?

*5thly*, Here the genuine anti-jacobin system, equally extravagant in respect to its objects, and scarcely less barbarous in its means, than the most furious jacobinism, displays itself. If the reasoning contained in this article has any weight, the war with the jacobin republic of France must be a war *ad internecionem*, for it is declared to be a war of self-preservation. Yet surely the representation given of the relative state of things between the two countries, affords but slender encouragement to persist in the contest. If France was able to effect so much mischief to Great Britain at so little expense to herself, it might reasonably be imagined that it would be worth while to try the experiment, whether she was not capable of maintaining the relations of peace and amity with England as well



as with other powers. And to those not infected with the spirit of anti-jacobinism, it must unavoidably seem probable, that France would sooner revert to a state of political sobriety during a season of internal and external tranquillity, than when irritated and exasperated by the systematic opposition of all the leading powers of Europe.

*6thly,* This plea for the pertinacious continuance of the war can scarcely be regarded as serious. The object of the war had indeed been repeatedly declared by ministers, and in effect announced from the throne, and echoed in the addresses of the two houses; to be the subversion of the jacobin republic of France. But certainly neither the king nor the parliament, had in any manner pledged themselves to prosecute the war, till this end should be attained. Four successive campaigns had been tried; and the destruction of the jacobin government appeared more hopeless than ever. Surely then those Frenchmen who were most zealously attached to the ancient monarchy, could scarcely expect or even wish, if they retained any trace of understanding, humanity, or gratitude, that Great Britain should still go on unavailingly to expend her treasure and her blood in an undertaking as desperate and impracticable as would be the attempt to scale the heavens, or to move the earth out of her sphere.

*7thly,* As to the effects which the example of France was calculated ultimately to produce, they were evidently far beyond the controul of the British government; and under a direction infinitely wiser and better, must be left to the unerring decision of time to ascertain. If the example of France teaches the surviving governments of Europe, equity and moderation, impressing upon them the necessity of timely and temperate reforms; and if at the same time it serves as a lesson to bold and innovating spirits, of the extreme dangers attendant on the adoption of measures of violence, and appeals to the people against the government, even when the redress of the existing

abuses and grievances of the state is the grand and real object in view, the example may be highly beneficial to future ages. At all events, to urge the prosecution of a hopeless and ruinous war, in order to obviate the effect of a bad example, is an extravagance perhaps no where to be found, but in the present memorable protest.

*Stily*, All this is the mere specious but idle talk of a florid and sophistical declaimer. When it was known to all the world, with what ease the government of Great Britain, during the war, not only raised those immense sums which were necessary to maintain the vast armaments, naval and military, of her own establishment, but with a lavish hand to subsidize almost all her allies; it is ridiculous to imagine, that France should conceive her overtures for peace, accompanied too as they were with circumstances of peculiar rudeness, to proceed from her inability, or disinclination to carry on the war. As to the permanence of the peace when once it was concluded, it would rest exactly upon the basis of every former peace. Not, certainly, upon the sense of moral obligation entertained, and much less acted upon by the contracting parties; but upon the absence of motives sufficiently powerful, arising from the passions of interest or ambition, to prompt the renewal of hostility. The government of France might surely, without any extraordinary concession in its favour, be acknowledged as just and moral as that of our high allies, Russia and Prussia; supposing an indulgent exception to be made since the death of the emperor Joseph II., in favour of Austria; and it might be hoped that England, in case of an unforeseen and unjust attack from France, or any other power, would be found not less able and ready to defend herself than at any former period of her history, for upwards of seven hundred years past.

*9thly*, This article is too obviously and contemptibly weak to require any remark. To represent the acrimonious

language and sentiments of an avowed enemy, as expressed in a public declaration or manifesto, to be, not presumptive merely, but demonstrative evidence of the precise and permanent system which that enemy would adopt after the restoration of peace, affords a melancholy proof of a mind enfeebled in the same proportion as it is inflamed by passion. Mr. Burke and his partisans, in their perpetual and furious invectives against the government and people of France, seem to have thought themselves entitled to an exclusive charter for the privilege of railing.

*10thly*, The last argument being founded merely on the grounds of personal consistency, admits of no reply; and it is only to be lamented, that a personage so respectable as lord Fitzwilliam, should suffer himself to be made the dupe of a man, whose genius and eloquence in the latter years of his life, served merely to plunge him and many of his political adherents, in rectitude of heart far better than him, "deeper than did ever plummet sound," in the abysses of extravagance and absurdity.



LORD MALMESBURY TO LORD GRENVILLE.

*Paris, December 20, 1796.*

MY LORD,

MR. ELLIS returned here from London on Thursday last the 15th instant; at five p. m. and delivered to me the dispatches with which he was charged by your lordship. Although nothing can be clearer, more ably drawn up, or more satisfactory, than the instructions they contain, yet as it was of the last importance, that I should be completely master of the subject before I saw the French minister, I delayed asking for a conference

till late on Friday evening, with a view that it should not take place till Saturday morning.

He appointed the hour of eleven a. m. on that day, and it was near one before we parted. Although what is said by M. De la Croix, before he communicated with the directory, cannot be considered as officially binding; and probably may in the event be very different from what I shall hear when he speaks to me in their name, yet as it is impossible they should not nearly conjecture the nature of the overtures I should make, and of course be prepared in some degree for them, it is material that your lordship should be accurately acquainted with the first impressions they appear to make on M. De la Croix.

I prefaced what I had to communicate with saying, that I now came authorized to enter with him into deliberation upon one of the most important subjects that perhaps ever was brought into discussion; that as its magnitude forbade all *finesse*, excluded all prevarication, suspended all prejudices, and that as I had it in command to speak and act with freedom and truth, I expected that he, on his part, would consider these as the only means which could or ought to be employed, if he wished to see a negotiation in which the happiness of millions was involved, terminate successfully. That for greater precision, and with a view to be clearly understood in what I was about to propose, I would give him a confidential memorial, accompanied by an official note, both which, when he had perused them, would speak for themselves. The memorial contained the conditions, on the accomplishment of which his majesty considered the restoration of peace to depend. The note was expressive of his majesty's readiness to enter into any explanation required by the directory on the subject, or to receive any *contre-projet* resting on the same basis which the directory



might be disposed to give in. That moreover, I did not hesitate declaring to him, in conformity to the principles which I laid down, and from which I certainly never should depart at any period of the negotiation, that I was prepared to answer any questions, explain and elucidate any points, on which it was possible to foresee that doubts or misconceptions could arise on the consideration of these papers. And having said thus much, I had only to remark, that I believed in no similar negotiation which had ever taken place, any minister was authorized in the first instance to go so fully into the discussion as I now was. That I was sure, neither the truth of this remark, nor the manifest conclusion to be drawn from it, would escape M. De la Croix's observation.

I then put the two papers into his hands. He began by reading the note, on which, of course he could only express satisfaction. After perusing the confidential memorial with all the attention it deserved, he after a short pause said, that it appeared to him to be liable to insurmountable objections: that it seemed to him to require much more than it conceded, and in the event not to leave France in a situation of proportional greatness to the other powers of Europe. He said the act of their constitution, according to the manner in which it was interpreted by the best publicists, and his phrase is worthy remark, made it impossible for the republic to do what we required. The Austrian Netherlands were annexed to it; they could not be disposed of without flinging the nation into all the confusion which must follow a convocation of the primary assemblies; and he said he was rather surprised that Great Britain should bring this forward as the governing condition of the treaty, since he thought he had in some of our late conversations, fully explained the nature of their constitution to me. I replied, that every thing I had heard from him on this point, was perfectly in my recollection, as it probably was

in his; that though I had listened to him with that attention I always afforded to every thing he said, yet I had never made him any sort of reply, and had neither admitted nor controverted this opinion; that though I believed I could easily disprove this opinion from the spirit of the French constitution itself, yet the discussion of that constitution was perfectly foreign to the purpose of my mission; since, even allowing his two positions, viz. that the retrocession of the Austrian Netherlands was incompatible with their laws, and that we ought to have known that before-hand, yet that there existed a *droit public* in Europe, paramount to any *droit public* they might think proper to establish within their own dominions; and that if their constitution was publicly known, the treaties existing between his majesty and the emperor were at least equally public; and in these it was clearly and distinctly announced, that the contracting parties reciprocally promise not to lay down their arms without the restitution of all the dominions, territories, &c. which may have belonged to either of them before the war. That the date of this stipulation was previous to their annexing the Austrian Netherlands to France, and the notoriety of this ought at the very moment when they had passed that law, to have convinced them that if adhered to, it must prove an insurmountable obstacle to peace.

I applied his maxim to the West India islands, and asked him whether it was expected, that we were to wave our right of possession, and be required still to consider them as integral parts of the French republic, which must be restored, and on which no value was to be set in the balance of compensation? I also stated the possible case of France having lost part of what she deemed her integral dominions, instead of having added to them in the course of the war; and whether then, under the apprehension of still greater losses, the government, as it was now composed, should consider itself as not vested with powers sufficient to save their country from the impending dan-

ger, by making peace on the condition of sacrificing a portion of their dominions to save the remainder? M. De la Croix said, this was stating a case of necessity, and such a mode of reasoning did not attach to the present circumstances. I readily admitted the first part of this proposition, but contended that if the power existed in a case of necessity, it equally existed in all others, and particularly in the case before us, since he himself had repeatedly told me that peace was what this country and its government wished for, and even wanted.

M. De la Croix in reply shifted his ground, and by a string of arguments founded on premises calculated for this purpose, attempted to prove, that from the relative situation of the adjacent countries, the present government of France would be reprehensible in the extreme, and deserve impeachment, if they ever suffered the Netherlands to be separated from their dominions; that by the partition of Poland, Russia, Austria, and Prussia had increased their power to a most formidable degree; that England, by its conquests, and by the activity and judgment with which it governed its colonies, had redoubled its strength. Your Indian empire alone, said M. De la Croix with vehemence, has enabled you to subsidize all the powers of Europe against us; and your monopoly of trade has put you in possession of a fund of inexhaustible wealth. His words were, “*Votre empire dans l’Inde vous a fourni les moyens de salarier toutes les puissances de l’Europe contre nous; et vous avez accaparé le commerce de manière, que toutes les richesses du monde se versent dans vos coffres.*”

From the necessity that France should keep the Netherlands and the left bank of the Rhine, for the purpose of preserving its relative situation in Europe, he passed to the advantages which he contended, would result to the other powers, by such an addition to the French dominions. Belgium, to use his words, by belonging to France,

would remove what had been the source of all wars for two centuries past; and the Rhine being the natural boundary of France, would ensure the tranquillity of Europe for two centuries to come. I did not feel it necessary to combat this preposterous doctrine. I contented myself with reminding him of what he had said to me in one of our last conferences, when he made a comparison of the weakness of France under its monarchs, and its strength and vigour under its republican form of government. “*Nous ne sommes plus dans la décrépitude de la France monarchique, mais dans toute la forced’une republique adolescente,*” was his expression; and I inferred from this, according to his own reasoning, that the force and power France had acquired by its change of government, was much greater than it could derive from any acquisition of territory; and that it followed, if France when under a regal form of government, was a very just and constant object of attention, not to say of jealousy, to the other powers of Europe; France, admitting his axiom, was a much more reasonable object of jealousy and attention under its present constitution than it ever had yet been, and that no addition to its dominions could be seen by its neighbours, but under impressions of alarm for their own future safety, and for the general tranquillity of Europe.

M. De la Croix’s answer to this was so remarkable, that I must beg leave to insert it in what I believe to be nearly his own words:—“*Dans le tems révolutionnaire tout ce que vous dites milord étoit vrai, rien n’égalait notre puissance; mais ce tems n’existe plus. Nous ne pouvons plus lever la nation en masse pour voler au secours de la patrie en danger. Nous ne pouvons plus engager nos concitoyens à ouvrir leurs bourses pour les verser dans le trésor national, et de se priver même du nécessaire, pour le bien de la chose publique.*” And he ended by saying, that the French republic when at peace, necessarily must become the most



quiet and pacific power in Europe. I only observed, that in this case the passage of the republic from youth to decrepitude, had been very sudden; but still that I never could admit that it could be a matter of indifference to its neighbours, much less of necessary security to itself, to acquire such a very extensive addition to its frontiers, as that he had hinted at.

This led M. De la Croix to talk of offering an equivalent to the emperor for the Austrian Netherlands, and it was to be found, according to his plan, in the secularization of the three ecclesiastical electorates, and several bishopricks in Germany and in Italy. He talked upon this subject as one very familiar to him, and on which his thoughts had been frequently employed.

He spoke of making new electors, and named, probably with a view to render his scheme more palatable, the Stadtholder, and the dukes of Brunswick and Wurtemberg, as persons proper to replace the three ecclesiastical electors which were to be reformed.

It would be making an ill use of your lordship's time, to endeavour to repeat to you all he said on this subject. It went in substance, as he himself confessed, to the total subversion of the present constitution of the Germanic body, and as it militated directly against the principle which both his majesty and the emperor laid down so distinctly, as the basis of the peace to be made for the empire; I contented myself with reminding him of this circumstance, particularly as it is impossible to discuss this point with any propriety, till his Imperial majesty becomes a party to the negotiation. I took this opportunity of hinting, that if on all the other points, France agreed to the proposals now made, it would not be impossible, that some increase of territory might be ceded to her on the Germanic side of her frontiers, and that this, in addition to the Duchy of Savoy, Nice, and Avignon, would be a very great acquisition of strength and power.

M. De la Croix here again reverted to the constitution, and said, that these countries were already constitutionally annexed to France.—I replied, that it was impossible, in the negotiation which we were beginning, for the other powers to take it up from any period but that which immediately preceded the war; and that any acquisition or diminution of territory which had taken place among the belligerent powers since it first broke out, must necessarily become subject matter for negotiation, and be balanced against each other in the final arrangement of a general peace. “You then persist,” said M. De la Croix, “in applying this principle to Belgium?” I answered, “MOST CERTAINLY! and I should not deal fairly with you, if I hesitated to declare in the outset of our negotiation, that on this point you must entertain no expectation that his majesty will relax, or ever consent to see the Netherlands remain a part of France.”

M. De la Croix replied, he saw no prospect in this case of our ideas ever meeting, and he despaired of the success of our negotiation. He returned again, however, to his idea of a possible equivalent to be found for the emperor; but as all he proposed was the alienation or dismemberment of countries not belonging to France even by conquest, I did not consider it as deserving attention, and it is certainly not worth repeating to your lordship. I need not observe, that all the equivalents proposed, however inadequate to the exchange, were offered as a return for our consent that the Netherlands should remain a part of France—of course, the admitting them in any shape, would have been in direct contradiction to my instructions.

M. De la Croix touched very slightly on Italy, and in the course of our conversation did not bring this part of the subject more into discussion.

I must add, that whenever he mentioned the restoration of the Netherlands to the emperor, I always took care it

should be understood that these were to be accompanied by such further cessions as should form a competent line of defence; and that France could not be permitted to keep possession of all the intermediate country to the Rhine. And I particularly dwelt on this point, when I held out the possibility of admitting an extension of the limits of France on the side of Germany. But as the French minister no less strenuously opposed the restitution of the Netherlands to the emperor, than I tenaciously insisted upon it, the further extension of my claim could not of course become a subject of argument.

I believe I have now, with a tolerable degree of accuracy informed your lordship of all that the French minister said on my opening myself to him on that part of my instructions which more immediately relates to peace between Great Britain, his Imperial majesty, and France. It remains with me to inform your lordship what passed between us on the subject of our respective allies.

On the articles reserving a right to the court of St. Petersburg, and to that of Lisbon, to accede to the treaty of peace on the strict *status ante bellum*, the French minister made no other remark than by mentioning the allies of the republic, and by inquiring whether I was prepared to say any thing relative to their interests, which certainly the republic could never abandon? This afforded me the opportunity of giving in the confidential memorial (B) relative to Spain and Holland; and I prefaced it by repeating to him the substance of the first part of your lordship's No. 12.

Although I had touched upon the subject of the Spanish part of St. Domingo, when I had been speaking to M. De la Croix on the peace with France, yet as it did not become a matter of discussion between us, till I came to mention the peace with Spain, I thought it better to place all that passed on the subject in this part of my dispatch. It was the only point on which he entered; but I by no

means infer from his not bringing forward some claims for Spain, that we are not to hear of any in the course of the negotiation; on the contrary, I have little doubt that many, and most of them inadmissible, will be made before it can end. He, however, was silent on them at this moment, and confined all that he had to say, to combating the idea that Spain was bound by the treaty of Utrecht, not to alienate her possessions in America. I had the article copied in my pocket, and I read it to him. He confessed it was clear and explicit, but that circumstances had so materially altered since the year 1713, that engagements made then, ought not to be considered as in force now. I said, that the spirit of the article itself went to provide for distant contingencies, not for what was expected to happen at or near the time when the treaty was made, and that it was because the alteration of circumstances he alluded to was foreseen as possible, that the clause was inserted; and that if Spain paid any regard to the faith of treaties, she must consider herself as no less strictly bound by this clause now, than at the moment when it was drawn up. I went on by saying, that it did not, however, appear quite impossible that this point might be settled without much difficulty; and that means might be devised, that his Catholic majesty should not break his faith, and both England and France be equally satisfied. I then held out to him, but in general terms, that either Spain might regain her possession of St. Domingo, by making some considerable cession to Great Britain and France, as the price of peace; or that in return for leaving the whole of St. Domingo to France, we should retain either Martinico, or St. Lucia and Tobago. M. De la Croix listened with a degree of attention to these proposals; but he was fearful of committing himself by any expression of approbation; and he dismissed the subject of the court of Madrid, by observing that France never would forsake the interests of its allies.



Our conversation on those of its other ally, Holland, was much longer, as the wording of the memorial inevitably led at once deep into the subject.

M. De la Croix affected to treat any deviation from the treaty of peace concluded between France and that country, or any restoration of territories acquired under that treaty to France, as quite impracticable. He treated as equally impracticable, any attempt at restoring the ancient form of government in the Seven United Provinces. He talked with an air of triumph of the establishment of a national convention at the Hague, and with an affectation of feeling, that by it the cause of freedom had extended itself over such a large number of people. He, however, was ready to confess, that from the great losses the Dutch republic had sustained in its colonies, and particularly from the weak manner in which they had defended them, it could not be expected that his majesty would consent to a full and complete restitution of them, and that it was reasonable that some should be sacrificed; and he asked me if I could inform him how far our views extended on this point?

I said I had reason to believe that what his majesty would require, would be possessions and settlements which would not add either to the power or wealth of our Indian dominions, but only tend to secure to us their safe and unmolested possession. You mean by this, said M. De la Croix, the Cape and Trincomalé. I said they certainly came under that description, and I saw little prospect of their being restored to the Dutch. M. De la Croix launched forth on this into a most laboured dissertation on the value of the Cape of Good Hope, which he did not consider at all as a *port de relâche*, but as a possession, which in our hands would become one of the most fertile and most productive colonies in the east: and according to his estimation of it, he did not scruple to assert, that it would ultimately be an acquisition of infinitely greater

importance to England, than that of the Netherlands to France, and if acquiesced in, should be reckoned as a full and ample compensation for them. He added, if you are masters of the Cape and Trincomalé, we shall hold all our settlements in India, and the islands of France and Bourbon, entirely at the tenure of your will and pleasure; they will be ours only as long as you choose we should retain them. You will be sole masters in India, and we shall be entirely dependent upon you. I repeated to him, that it was as means of defence, not of offence, that these possessions would be insisted on; and that if the matter was fairly and dispassionately discussed, he would find that they afforded us a great additional security, but no additional power of attack, even if we were disposed to disturb the peace of that part of the world. If these and perhaps some few other, not very material, settlements belonging to the Dutch, were to be insisted upon, and if he would be pleased to enumerate all we should still have to restore to them, while they had nothing to restore to England, it was impossible not to consider the terms on which his majesty proposed peace to Holland, as generous and liberal.

M. De la Croix was not at all disposed to agree with me on his point, and said Holland, stripped of these possessions, would be ruined. He then held out, but as if the idea had just crossed his mind, the possibility of indemnifying the Dutch for their losses in India, by giving them a tract of territory towards the Meuse (I could not find out whether he meant Aix-la-Chapelle, Liege, or the countries of Juliers and Berg), and hinted, that if this was not to be done, an additional sugar island might perhaps be ceded to the Dutch republic. I told him all this might become a subject of future discussion, and I conceived that if we could agree upon the more essential points, the treaty would not break off on these secondary considerations. Our conversation had now been extremely long, and M.

De la Croix ended by saying, that although he had taken upon himself to enter with me thus far upon the subject, yet I must not consider any thing he said as binding, or as pledging the republic, till such time as he had laid the papers I had given him before the directory: and in order to do this with more accuracy, he again asked me whether in his report, he was to state the disuniting Belgium from France, as a *sine quâ non* from which his majesty would not depart? I replied, it MOST CERTAINLY was a *sine quâ non* from which his majesty would not depart: and that any proposal which would leave the Netherlands annexed to France, would be attended with much greater benefit to that power, and loss to the allies, than the present relative situation of the belligerent powers could entitle the French government to expect.

M. De la Croix repeated his concern at the peremptory way in which I made this assertion, and asked whether it would admit of no modification? I replied, if France could in a *contre-projet*, point out a practicable and adequate one, still keeping in view that the Netherlands must not be French, or likely again to fall into the hands of France, such a proposal might certainly be taken into consideration.

M. De la Croix by no means encouraged me to explain myself more fully: he repeatedly said that this difficulty relative to the Netherlands, was one which could not be overcome.

Just as I was taking leave of him, he begged me to explain what was meant by the words in the memorial (A) in the 4th paragraph, beginning “*de s’entendre mutuellement sur les moyens d’assurer,*” and ending at “*leurs possessions respectives.*” I told him it referred to the destructive system adopted by France in the West-Indies, and went to express a wish that the two powers should agree on some general and uniform system of internal police in the settlements there, which would contribute to

the security of those possessions to the respective countries, and at the same time to the happiness of every description of inhabitants in them.

M. De la Croix, a little hurt at my expression relative to the system adopted by France, endeavoured to recriminate upon us; but he ended by saying, that they should certainly be willing to concur in any arrangement relative to the negroes, which did not militate against the principles of their constitution. Here our conference ended; and as during the whole course of it, I bore in my mind the possibility, that although this, our first, might be the only favourable opportunity I should ever have of speaking on the general principles on which his majesty was disposed to treat, I endeavoured, by adverting more or less to almost every point in my instructions, to enable M. De la Croix, if he reports faithfully, to state to the directory what I said, in such a manner as to put it out of their power to misconceive what were his majesty's intentions; to remove all possibility of cavil on this case, and to bring them to a clear and distinct answer, whether they would agree to open a negotiation on the principle of the *status ante bellum*, or on one differing from it only in form, not in substance. I hope in attempting to do this, I did not in the first instance commit myself, or discover more of my instructions than it became me to do; and that in the conversation of M. De la Croix, nothing escaped me which might at some subsequent period hurt the progress of the negotiation.

I have I believe given this conference nearly verbatim to your lordship, and I was particularly anxious to do this correctly and minutely, as well that you may judge on the propriety of what I said myself, as that what M. De la Croix said to me, may be accurately known, and remain on record.

It must, however, be remembered, as I observed in the beginning of this dispatch, that he spoke for himself, as



minister indeed, but not under the immediate instructions of the directory: and this consideration will take a little away from the singularity of some of the positions he advanced.

I confess, my lord, from the civility of his manner, and from his apparent readiness to discuss the subject, the impression which remained on my mind on leaving him was, that the negotiation would go on, but be liable to so many difficulties, and some of them so nearly insurmountable, that knowing as I do the opinion of the directory, I saw little prospect of its terminating successfully. But I did not expect the conduct of the directory would immediately be such, as to evince a manifest inclination and even determination to break off on the first proposals; and I was not a little surprised at receiving on Sunday, at three, P. M. the inclosed letter (A) from M. De la Croix. He sent it by the principal secretary of his department, M. Giraudet, who communicated to me the original of the *arreté* of the directory, of which this letter, abating the alteration in the form, is a literal copy. After perusing it, I asked M. Giraudet, whether he was informed of its contents? and this led to a short conversation on them. I told him that both the demands were so unexpected, that I could not reply to them off hand: that as to the first, it was quite unusual to sign memorials which were annexed to a note actually signed, and that I scarcely felt myself authorized to depart from what was, I believed, an invariable rule. That as to the second demand, made in so peremptory and unprecedented a way, I could without much hesitation say at once, that it could not be complied with. M. Giraudet lamented this much, and said, that this being the case, he feared our principles of negotiation would never coincide. I agreed with him in my expressions of concern. We conversed together afterwards for some time, but nothing passed at all worthy of remark. I told him I should send my answer the next day. On reflecting

more attentively, on the request that I would sign the two memorials which I had given in, it struck me, that the complying with it pledged me to nothing, and that it was merely gratifying them on a point insisted on peevishly, and that the doing it would put them still more in the wrong.

As to the strange demand of an *ultimatum*, it was perfectly clear what it became me to say, and I hope that in the inclosed answer (B) which I sent yesterday morning at twelve o'clock to M. De la Croix, I shall be found to have adhered as closely as possible to the spirit of my instructions.

Yesterday evening at half past nine, M. Giraudet brought me the note C to which I immediately replied by the note D. They require no comment; and as I intend leaving Paris to-morrow, and travelling with all convenient speed, I shall so soon have it in my power to say the little which remains to say relative to this sudden, though perhaps not unlooked-for close to my mission, that I need not trespass any further on your lordship's patience.

I have the honour to be, &c.

MALMESBURY.

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M. DE LA CROIX TO LORD MALMESBURY.

(A)

*Paris, 28 Frimaire (Dec. 18th, 1796),  
5th year.*

SIR,

The executive directory has heard the reading of the official note signed by you, and of two confidential memorials without signatures, which were annexed to it, and which you gave in to me yesterday. I am charged expressly by the directory to declare to you, that it cannot listen to any confidential note without a signature, and

to require of you to give in to me officially, within four and twenty hours, your *ultimatum*, signed by you.

Accept, sir, the assurance of my high consideration.

Signed,

CH. DE LA CROIX.

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LORD MALMESBURY TO M. DE LA CROIX.

(B)

*Paris, 19th December, 1796.*

Lord Malmesbury, in answer to the letter which the minister for foreign affairs had the goodness to transmit to him, through the hands of the secretary-general of his department, must remark, that in signing the official note which he gave in to that minister, by order of his court, he thought he had complied with all the usual formalities, and had given the necessary authenticity to the two confidential memorials which were annexed to it. Nevertheless, to remove all difficulties as far as lies in his power, he willingly adopts the forms which are pointed out by the resolution of the executive directory, and hastens to send to the minister for foreign affairs, the two memorials signed by his hand.

With respect to the positive demand of an *ultimatum*, lord Malmesbury observes, that insisting on that point in so peremptory a manner, before the two powers shall have communicated to each other their respective pretensions, and that the articles of the future treaty shall have been submitted to the discussions which the different interests which are to be adjusted, necessarily demand, is to shut the door against all negotiation. He therefore can add nothing to the assurances which he has already given to the minister for foreign affairs, as well by word of mouth as in his official note; and he repeats, that he is ready to enter with that minister, into every explanation of which

the state and progress of the negotiation may admit ; and he will not fail to enter into the discussion of the proposals of his court, or of any counter project which may be delivered to him on the part of the executive directory, with that candour, and that spirit of conciliation, which correspond with the just and pacific sentiments of his court.

Lord Malmesbury requests the minister for foreign affairs to accept the assurances of his high consideration.

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M. DE LA CROIX TO LORD MALMESBURY.

(C)

*Paris, 29th Frimaire (19th Dec. 1796),  
5th year of the French republic,  
one and indivisible.*

The undersigned minister for foreign affairs, is charged by the executive directory, to answer to lord Malmesbury's two notes of the 27th and 29th Frimaire (17th and 19th December), that the executive directory will listen to no proposals contrary to the constitution, to the laws, and to the treaties which bind the republic.

And as lord Malmesbury announces at every communication, that he is in want of the opinion of his court, from which it results, that he acts a part merely passive in the negotiation, which renders his presence at Paris useless ; the undersigned is further charged to give him notice to depart from Paris in eight and forty hours, with all the persons who have accompanied and followed him ; and to quit as expeditiously as possible, the territory of the republic.

The undersigned declares moreover, in the name of the executive directory, that if the British cabinet is desirous of peace, the executive directory is ready to follow the



negotiation, according to the basis laid down in the present note, by the reciprocal channel of couriers.

Signed,

CH. DE LA CROIX.

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LORD MALMESBURY TO M. DE LA CROIX.

(D)

*Paris, 20th December, 1796.*

Lord Malmesbury hastens to acknowledge the receipt of the note of the minister for foreign affairs, dated yesterday. He is preparing to quit Paris to-morrow, and demands in consequence the necessary passports for himself and his suite.

He requests the minister for foreign affairs to accept the assurances of his high consideration.

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LORD MALMESBURY TO LORD GRENVILLE.

*Lisle, July 11, 1797.*

MY LORD,

I HAD the honour in my last, of the 6th inst. to inform your lordship of my arrival here, of the manner in which I had been received, and of my having in the usual form exchanged my full powers with the French plenipotentiaries. On Friday the 7th at noon, we held our second conference.

I opened this second conference with the French plenipotentiaries, by saying that I myself had no observations to make on their full powers, which appeared to be conformable to those usually given by the directory to their plenipotentiaries, and of course must be considered as sufficient for the purposes expressed in them; that I, however, had transmitted them by a messenger to my court,

and reserved to myself the right of communicating any objections or remarks which I might receive by the return of my messenger, relative to them.

M. Le Tourneur, to whom, as president of the commission, I addressed myself, replied, that they had taken precisely the same steps as myself; that they considered the full powers I had given in, as in due form and sufficient; but that they also reserved to themselves the same right, in regard to instructions they might receive from the directory on this subject, as I had claimed in regard to my court. To this, of course I assented. On Saturday the 8th instant, I gave in the project (A) precisely as I had received it from your lordship.

One of the French plenipotentiaries proposed that some time should be given them to take the proposals I had made into consideration, and begged of me, merely for the sake of accuracy, and to help their memory, that I would be good enough either to let M. Colchen\* put down on paper, or myself send them a note, containing the words with which I wished the articles in blank to be filled up. I readily acquiesced in the latter mode; and immediately on my return sent them the inclosed note (B). On Sunday evening I received the inclosed note (C) from the French plenipotentiaries, and in consequence of it, went to the proposed conference yesterday.

One of the French plenipotentiaries informed me on the subject of the project I had given them, and the note with which I had accompanied it, that these papers contain many points on which their instructions did not enable them to answer; they had, after having given them a very serious attention, sent them, with such observations as they had thought it their duty to make on them, to the directory, and that the moment they received an answer, they would communicate it to me. But that in

\* Secretary General to the French Legation.

the meanwhile, not to delay the progress of the negotiation, they wished that several points which he termed insulated, but which, though not referred to in our project, were, he said, inseparably connected with the general subject of peace, might be discussed and got rid of now, if I had no objection, and that it was with this view they had requested me to meet them. On my not expressing any disapprobation to this mode of proceeding, one of the French plenipotentiaries began by saying, that in the preamble of the treaty, the title of king of France was used ; that this title they contended could no longer be insisted on ; the abolition of it was in a manner essential to the full acknowledgment of the French republic, and that as it was merely titular, as far as related to his majesty, but quite otherwise in the sense in which it applied to them, he hoped it would not be considered as an important concession.

I informed him, that on all former occasions a separate article had been agreed to, which appeared to me to answer every purpose they required, and which it was my intention, as the treaty advanced, to have proposed as proper to make part of this. The article (the first of the separate one in the treaty of 1783) was then read ; but they objected to it, as not fully meeting their views. It was to the title itself, as well as to any right which might be supposed to arise from it, that they objected. I could scarcely allow myself to treat this mode of reasoning seriously. I endeavoured to make them feel, that it was cavilling for a mere word ; that it was creating difficulties where none existed ; and that if all the French monarchs in the course of three centuries had allowed this to stand in the preamble of all treaties and transactions between the two countries, I could not conceive, after its having being used for so long a period without any claim or pretension being set forth in consequence of it ; how it could now affect either the dignity, security, or importance

of the republic ; that in fact, such titles have ever been considered as indefeasible, and as memorials and records of former greatness, and not as pretensions to present power ; and I quoted the titles of the kings of Sardinia and Naples, &c. as examples *exactly in point*. I argued, however, in vain. They treated it very gravely ; and made so strong a stand upon it, that I could not avoid taking it for reference, which I thought it better to do, than feeling as I did at the moment, to push the conversation farther.

The second insulated point was a very material one indeed, and which, although it had been adverted to as a proposal that might possibly be brought forward, I confess came upon me unexpectedly. It was to ask either a restitution of the ships taken and destroyed at Toulon, or an equivalent for them. They grounded this claim on the preliminary declaration made by lord Hood, on his taking possession of Toulon ; and on the 8th article of the declaration of the committee of the sections to him. They said, peace they hoped was about to be re-established ; that his majesty, in acknowledging the republic, admitted that a sovereignty existed in the French government, and of course, that the ships held only as a deposit by England till this legal authority was admitted, ought now to be restored. I replied, that this claim was so perfectly unlooked for, that it was impossible for me to have been provided for it in my instructions, and that I could therefore only convey my own private sentiments on it, which were, that they could not have devised a step more likely to defeat the great end of our mission. One of the French plenipotentiaries said, that he sincerely hoped not ; that without a restitution of the ships, an equivalent might be found to effect the purpose desired, since their great object was, that something should appear to prove that this just demand had not been overlooked by them, and was not left unsatisfied by us. I told him fairly, I



did not see where this equivalent was to be found, or how it could be appreciated, and that considering the great advantages France had already obtained by the war, and those she was likely to obtain from the act of condescension I had already intimated his majesty was disposed to make in order to restore peace, I was much surprised and deeply concerned at what I heard; I trusted therefore that this very inadmissible proposal would be withdrawn. They said it was not in their power; and one of them, from a written paper before him, which he said were his instructions, read to me words to the effect I have already stated.

The third question was, as to any mortgage we might have upon the low countries, in consequence of money lent to the emperor by Great Britain. They wished to know if any such existed, since, as they had taken the low countries charged with all their encumbrances, they were to declare that they should not consider themselves bound to answer any mortgage given for money lent to the emperor, for the purpose of carrying on war against them.

I told them, that without replying to this question, supposing the case to exist, the exception they required should have been stated in their treaty with the emperor, and could not at all be mixed up in ours: that if they had taken the low countries as they stood charged with all their encumbrances, there could be no doubt what these words meant, and that if no exception was stated in the first instance, none could be made with a retroactive effect.

The French plenipotentiaries, however, were as tenacious on this point as on the other two; and as I found to every argument I used, that they constantly opposed their instructions, I had nothing to do, but to desire that they would give me a written paper, stating their three claims, in order that I might immediately transmit it to

your lordship ; and on this being promised our conference broke up.

Between four and five P. M. yesterday, I received the inclosed note (D) ; and I have lost no time since it is in my possession, in preparing to send away a messenger, as, independent of the disagreeable subjects brought forward in this last conference, and which it is material should be communicated without delay, I am anxious that his majesty should be informed of what has passed in general up to this day, as it may perhaps furnish some ideas as to the possible event of the negotiation.

MALMESBURY.

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PROJET OF A TREATY OF PEACE,  
DELIVERED BY LORD MALMESBURY TO THE FRENCH  
PLENIPOTENTIARIES, JULY 8, 1797.

(A)

ABSTRACT.

I. Universal peace, oblivion, and amnesty, between the two nations.

II. Treaties of Nimeguen, Ryswick, Utrecht, Baden, the triple and quadruple alliances of Vienna, Aix la Chapelle, Paris, and Versailles, to serve as a basis and foundation of the present treaty.

III. Prisoners to be discharged without ransom, each party defraying the expense of maintenance.

IV. Rights of fishery, with the islands of St. Pierre and Miquelon, restored to France.

V. The principle of the *status ante bellum* adopted, with the exceptions specified in the subsequent articles of the treaty.

VI. From this principle, the two parties have agreed

to except ————— viz. possessions belonging to France before the war.

VII. Fortresses to be restored in the same condition in which they now are.

VIII. The term of three years to be allowed for removals, &c.

IX. Restitutions to take place within one month in Europe, three months in Africa and America, and six months in Asia, after the ratification.

X. Judgments in private causes pronounced in the last resort, confirmed.

XI. Decisions on prizes and seizures prior to hostilities, to be referred to the respective courts of justice.

XII. The allies of the two parties, viz. her most Faithful majesty, his Catholic majesty and the Batavian republic, be included in the treaty, on the terms and conditions specified in the three following articles; the party refusing to accede, shall receive no farther succour during the war.

XIII. His Britannic majesty engages to conclude a definitive peace with his Catholic majesty, on the footing of the *status ante bellum*, with the exception of —————

XIV. And with the Batavian republic, with the exception of ————— and of —————, which shall be ceded to his majesty in exchange for —————. All property belonging to the prince of Orange and his adherents, to be restored; and the French republic to procure for him an adequate compensation for the loss of his offices and dignities.

XV. The French republic to conclude a peace with Portugal, on the footing of the *status ante bellum*.

XVI. All the stipulations respecting the restitutions made to France, shall apply to those in the three last articles.

XVII. All former treaties of peace, &c. in like manner to be renewed.

XVIII. All sequestrations to be taken off, and private rights re-established.

XIX. The contracting parties guarantee to each other the performance of the treaty.

XX. The ratifications to be exchanged in a month.

In the note B, transmitted by lord Malmesbury to the French plenipotentiaries, he informs them, that his Britannic majesty recedes from the claims implied in the 6th article, and will seek his return for the restitutions he is disposed to make for the re-establishment of peace, in the cessions to be made by his Catholic majesty and the Batavian republic.

In the 13th article, therefore, he proposes to fill up the blank as follows: "with the exception of the island of Trinidad, which shall remain in full possession to his Britannic majesty."

And in the 14th article as follows: "with the exception of the town, fort, and establishment of the Cape of Good Hope, and of the possessions which belonged to the Dutch before the war, in the island of Ceylon, and of the town and fort of Cochin, which shall be ceded to his Britannic majesty in exchange for the town of Negapatnam and its dependencies."

In the note C, the French plenipotentiaries engage to give to the note and projet the most serious attention, and not being yet enabled to communicate to lord Malmesbury the remarks to which they appear liable, invite him in the mean time, to enter upon the discussion of certain distinct points, capable of being separately treated on, and without delay.

In the note D, the French plenipotentiaries require in



the most absolute and peremptory terms, the renunciation of the title of king of France, borne by his Britannic majesty, the restitution of the vessels taken or destroyed at Toulon, and the relinquishment of the supposed mortgage on the revenues of Belgium.

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On the 13th July, lord Grenville returned an answer to the dispatch of lord Malmesbury, singularly incongruous and absurd. He says, "that the demands of the French ministers have been received in London with great *surprise*: that *any explanation* between his majesty and the French government on the subject of the Austrian loans, was conceived to be *wholly unnecessary*; that the securities on which they rest, do not seem in any manner to come under the description contained in the sixth article of the preliminaries between Austria and France, respecting mortgages upon the soil of the Netherlands." But this was the precise explanation wanting to satisfy the French government upon this point; and so far was lord Malmesbury from offering any such explanation, that he acted entirely contrary to the sense of his own court, and indeed to common sense, in maintaining, "that if no exception was made in the first instance, none could be made with a retroactive effect."

On the other two points, lord Grenville strangely declares to lord Malmesbury, "that he has nothing to add to the observations which his lordship has already made upon them;" when the fact was, that lord Malmesbury, so far as appears from his own account, had not even attempted the confutation of the argument of the French commissioners, respecting the ships captured at Toulon; so that the sum of the argument, on the part of the English negotiators on this subject, was, nothing added to nothing. With regard to the reasonings by which lord Malmesbury pretended to vindicate the preposterous

assumption of the title of king of France, it is sufficient to say, that they were such as were well calculated to give perfect satisfaction to such a statesman as lord Grenville.

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On the 16th July, lord Malmesbury informs lord Grenville, that a second preliminary conference had taken place July 13th, between him and the French commissioners, who had not yet received their instructions relative to the project from the executive directory. This conference turned entirely upon the propriety of an indiscriminate renewal of the treaties enumerated in the 2nd article; the general state of Europe having suffered very essential alteration since those treaties were concluded. M. Le Tourneur observed, that their first wish was, that the treaty now under discussion should be clear, distinct, solid, and lasting, and such an one as could not at any future period be broken through, without a manifest violation of good faith. Lord Malmesbury readily agreed in the principle, but professed to feel himself almost bold enough to affirm, that no measure could be devised which would so completely meet their intentions as an unreserved renewal of the treaties they hesitated about adding, as he tells us this simple observation: “ Je ne me rends pas responsable des longueurs dans lesquelles cette discussion pourrait nous entraîner.” The French minister’s answer was, “ Si des longueurs servent à déterminer des objets qui pourraient donner lieu à des querelles à l’avenir, ce sera du tems bien employé.”

Another conference upon the same subject was appointed for the 15th, but in the interval dispatches arrived from the directory, evidently discovering extreme ill humour, suspicion, and resentment, excited, beyond all doubt, by the impolitic manner in which the preliminary claims of the French government had been treated by the English ambassador. In consequence of the or-

ders now received, the commissioners transmitted a note to lord Malmesbury, declining the proposed conference, and containing the following unexpected and extraordinary declaration:

“ There exists in the public and secret treaties, by which the French republic is bound to its allies, Spain and the Batavian republic, articles by which the three powers respectively guarantee the territories possessed by each of them before the war.

“ The French government, unable to detach itself from the engagements which it has contracted by these treaties, establishes as an indispensable preliminary of the negotiation for the peace with England, the consent of his Britannic majesty, to the restitution of all the possessions which he occupies, not only from the French republic, but further and formally of those of Spain and the Batavian republic.

“ In consequence, the undersigned ministers plenipotentiary request lord Malmesbury to explain himself with regard to this restitution, and to consent to it if he is sufficiently authorized to do so ; if not, and in the contrary case, to send a messenger to his court, in order to procure the necessary powers.”

It must be acknowledged, in justice to lord Malmesbury, that nothing could be more judicious and discreet, than his reply to this strange requisition : as it is very concise, the entire note is here inserted.

“ The minister plenipotentiary of his Britannic majesty, has given the most serious attention to the note dated this morning, which he has received from the minister plenipotentiary of the French republic.

“ He has no hesitation in declaring to them, that his instructions by no means authorize him to admit as a general principle, that which their declaration seems intended to establish ; nevertheless, being persuaded that it is his first duty not to give up the hopes of conciliation

until he shall have exhausted every means of obtaining it, and being anxious to avoid in the report which he shall have to make to his court, the possibility of misunderstanding on a subject of such importance, he proposes to them a conference for to-morrow, at the hour most convenient to them, after which it is his intention to dispatch a messenger to his court.

He requests the ministers plenipotentiary of the French republic to accept the assurances of his consideration.

MALMESBURY.

*Lisle, 15th July, 1797.*

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The conference proposed, being acceded to with perfect facility by the French commissioners, accordingly took place the next morning at eleven o'clock: and in the course of it lord Malmesbury appears to have conducted himself with the utmost decorum and propriety. He thus relates the result of it in his subsequent letter to lord Grenville, July 16th.

“ I began by saying, that I had solicited this interview, from the same motive which would actuate every part of my conduct: that I wished to make my reports not only correct, but conciliatory as far as depended on me, and I was now come in order; if possible, to obtain from them such comments and explanations on the note they sent to me yesterday, as would enable me, when I transmitted it to my court, to secure the negotiation from being interrupted, perhaps abruptly terminated by the perusal of it. If I understood it right, it meant that the directory requires as a *sine quâ non* preliminary, that every thing the king has conquered from all and each of his enemies, should be restored, and that till this restoration was consented to, the negotiation was not even to begin. I said, if I was correct in this statement, and the plain



sense of the declaration would bear no other interpretation. I must add, that it would not only most certainly prevent the treaty from beginning, but would leave no room for treating at all, since it deprived his majesty of every means of negotiation; for I could not suppose that it was in their thoughts to intimate that the principle of the treaty, as far as it related to his majesty, was to be one of all cession, and no compensation; and yet that was precisely the position in which his majesty was placed by their note.

“ One of the French plenipotentiaries \* who had let me proceed rather reluctantly, here stopt me, and said, that he and his colleagues were exceedingly happy that I had expressed a wish to see them before I dispatched my messenger: that they wished to assure me, that they had thought it dealing fairly and honourably, to state what they had received from the directory, in the very words in which it came to them: that they should be sorry, if the declaration they had been directed to make me, should be of a nature to interrupt, much less to break off, the negotiation: that it was the sincere wish of the directory, that the negotiation should proceed and end successfully; and that far from shutting the door to farther discussions, they were perfectly ready to hear any proposals we had to make, and only wished that these proposals should be, if possible, such as were compatible with their most sacred engagements. I repeated what I had said, that no door was left open, if his majesty was *in limine* to restore every thing; and that a peace on these conditions would not be heard of by the country. I observed, that immediately on leaving them I should dispatch a messenger: but what that messenger carried, would most materially affect the progress and issue of the negotiation. I therefore desired to know, whether, in consequence of what I heard from them, I might consider the strict and literal

\* Viz. (as appears from the reply of lord Grenville to this letter), M. Le Tourneur, president of the legation.

meaning of the declaration not to be a decided negative—which it certainly seemed to imply on all compensation whatever to be made to his majesty; but that proposals tending to this effect would still be listened to. One of them answered, “CERTAINLY!—and if they should be found such as it will be impossible for us to admit, we will on our side bring forward others, for your court to deliberate on.” Under this assurance, which at least to a certain degree, qualifies the declaration of yesterday, I broke up the conference.”

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To this account no objection can be made, except to the concluding remark, that the assurance given by the commissioners, qualifies only to a certain degree the declaration of the directory: whereas in truth it totally changed the nature of it, and reduced the negotiation as before to a question of terms—of restitution and compensation. What then was the ultimate design and purpose of this declaration? The fact seems plainly, and in a few words, to be this:—The directory entered into the present treaty with a strong persuasion, and as sufficiently appears from circumstances a very just one, of the sincerity of the English court, which could never alone and unsupported, entertain the remotest hope of subverting the republican government of France. Under this persuasion, they flattered themselves that the court of London would bring all possible facilities to the conclusion of the treaty, and not make an obstinate stand in relation to minute and subordinate points. But the pertinacious and provoking opposition of lord Malmesbury to the three preliminary propositions, shook their confidence, and in a great measure changed their views. All the former suspicions revived, and under the impression that the powers of lord Malmesbury might, as in the former instance, be so limited, as to preclude any beneficial effect from the subsequent discussions, they resolved in the first place

fully to satisfy themselves on this head, regarding it as a criterion of the sincerity of the British government.

If the declaration really imported, what it certainly appeared upon the face of it to do, and what lord Malmesbury therefore was justified in presuming that it did import, previous to the explanation of the commissioners, the negotiation must necessarily be at an end. If, on the contrary, the executive directory were not chargeable with that excess of insolence and extravagance, which the offensive meaning ascribed to the declaration by lord Malmesbury implied in it, and if the French plenipotentiaries could not but know the real design of the declaration, and must be supposed authorized to impart it to the ambassador, what should hinder the negotiation from proceeding? And what possible injury could result from investing the ambassador with unlimited powers, in the exercise of which he might, and doubtless would, be guided by his instructions? Or to what purpose demand an explanation of the offensive language of the declaration, with a predetermination not to regard any explanation whatever as satisfactory?

The reply of lord Grenville to lord Malmesbury discovers a mind lost in confusion, and agitated by the most embarrassing perplexities upon an occasion which, to a statesman of calm and clear discernment, would have appeared to furnish no just cause for the uneasiness of a moment. The anxiety of the directory to ascertain the sincerity of the English government, was indeed scarcely compatible with the idea of their own insincerity.

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LORD GRENVILLE TO LORD MALMESBURY.

*London, July 20, 1797.*

MY LORD,

YOUR lordship's dispatches by the messenger Dressius, were received here on the 17th instant, at night, and I

lost no time in receiving his majesty's commands on the very important subject of your letter.

I am much concerned to be under the necessity of remarking, that the claim brought forward in the note transmitted to your lordship by the French plenipotentiaries, is in itself so extravagant, and so little to be reconciled, either with the former professions of those ministers, or with their conduct in the previous stages of the negotiation, that it affords the strongest presumption of a determination, to preclude all means of accommodation. If such is really the determination of the directory, nothing can remain for this country, but to persevere in opposing with an energy and spirit proportioned to the exigency, a system which must tend to perpetuate a state of war and civil tumult in every part of Europe.

The natural step upon the present occasion, would therefore have been, to direct your lordship to terminate at once a negotiation, which, on the footing now proposed by the enemy, affords neither the hope nor the means of any favourable conclusion; nothing being left for treaty, where, as a preliminary step, one party is required to concede every thing, and all compensation from the other is absolutely, and at once precluded. His majesty's servants have, however, observed, that in the conclusion of your lordship's conference with the French plenipotentiaries on the subject of the note in question, the president of that mission informed your lordship, that it was not intended to resist all compensation for the immense extent of restitution demanded from his majesty, and for the other obvious circumstances of disadvantage to this country in the situation of Europe, as resulting from the war; and even added, that he and his colleagues would eventually bring forward proposals on this head for the deliberation of the king's government.

It appeared possible, that some advantage might perhaps arise to the great object of peace, from grounding on



this declaration a farther proceeding, such as might afford to the directory, if they are so disposed, the means of replacing the negotiation on a more practicable footing. With a view therefore of leaving nothing untried which can contribute to restore peace on any suitable terms, his majesty has been pleased to direct that your lordship should for that purpose ask another conference with the French plenipotentiaries. In this conference, your lordship will remark in such terms as the occasion must naturally suggest to you, upon the indefensible spirit and tendency of the demand now made by France. You will observe that France, treating in conjunction with her allies, and in their name, cannot with any pretence of justice and fairness, oppose her treaties with them as an obstacle in the way of any reasonable proposal of peace in which they are to be included. In a separate negotiation, to which they were not parties, such a plea might perhaps have been urged; but in that case, France would have been bound to offer from her own means, that compensation which she did not think herself at liberty to engage to obtain from her allies. And such was in fact, as your lordship must remember, the principle on which his majesty offered to treat last year, when he was really bound by engagements to Austria, similar to those which are now alleged by France. But it never can be allowed, that France, Spain, and Holland, negotiating jointly for a peace with Great Britain, can set up as a bar to our just demands, the treaties between themselves, from which they are at once able to release each other whenever they think fit.

You will farther remark, that even if, contrary to all reason, such a principle could for a moment have been admitted on our part, still even that principle, inadmissible as it is, could only apply to public treaties known to those who agreed to be governed by them, and not to secret articles unknown even to the French plenipotenti-

ries, or concealed by one of them from the knowledge of the others.

You will add in explicit, though not offensive terms, that the whole of this pretence now set up by France, is incontestably frivolous and illusory; being grounded on a supposition of a state of things directly contrary to that which is known really to exist; it being perfectly notorious, that both Spain and Holland, so far from wishing to continue the war, were compelled by France to engage in it greatly against their own wishes; and to undertake without the means of supporting it, a contest in which they had nothing to gain, and every thing to lose. It never, therefore, can be allowed to be a question of any possible doubt, but that the directory, if they really wish it, must already have obtained, or could at any moment obtain the consent of those powers, to such terms of peace as have been proposed by his majesty. If, however, France, from any motive of interest or engagement, is in truth desirous to procure for them the restitution of possessions which they were unable to defend, and have no means to re-conquer, the *projet* delivered by your lordship afforded an opening for this; those articles having been so drawn, as to leave it to France to provide a compensation to his majesty, either out of her colonies, or out of those of her allies respectively, conquered by his majesty's arms. The choice between these alternatives may be left to the directory, but to refuse both, is in other words to refuse all compensation. This is nevertheless expressly declared not to be the intention of those with whom you treat. It is therefore necessary, that your lordship should demand from them a statement of the proposals, which, as they informed you they have to make, in order to do away this apparent contradiction, which the king's servants are wholly unable to reconcile by any suggestions of theirs, even if it were fitting and reasonable for them to bring forward any new proposals immediately after the detailed

*projet* which was delivered on the part of this country, at the outset of the negotiation.

Since the *projet* is not acceded to, we have evidently, and on every ground, a right to expect a counter-*projet* equally full and explicit on the part of the enemy. You will, therefore, state to the French ministers distinctly, that the only hope of bringing this business to a favourable conclusion is, by their stating at once plainly, and without reserve, the whole of what they have to ask, instead of bringing forward separate points one after the other, not only contrary to the avowed principle of the negotiation proposed by themselves, but as it appears, even contrary to the expectation of the ministers themselves, who are employed on the part of France. There can be no pretence for refusing a compliance with this demand, if the plenipotentiaries of France are disposed to forward the object of peace; and the obtaining such a statement from them is, as I have before stated to your lordship, a point of so much importance in any course which this negotiation may take, that it is the king's pleasure that your lordship should use every possible endeavour to prevent their eluding so just a demand.

After what has passed, it is I fear very doubtful, whether such a counter-*projet* would be framed on principles such as could be admitted here; but it would at all events place the business on its real issue, and bring distinctly into question, the several points on which the conclusion of peace, or the prolongation of war, will really depend.

I am, &c.

GRENVILLE.

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If on the one hand it is impossible, after the perusal of this letter, to doubt of the sincerity of the English court at this juncture, and of their real desire, which appears

to have amounted even to eagerness, for the attainment of peace; on the other, it is equally difficult not to feel the utmost astonishment, that so many obstacles and causes of irritation should, from the mere want of skill and address in the art of negotiation, be thrown in the way of the depending treaty; for of that spirit of perverseness which predominated in the letters of lord Grenville to M. Chauvelin, in the year 1792, it must be acknowledged there is no symptom.

1st. Lord Grenville takes it most absurdly and unhappily for granted, that the directory really meant to demand of England, universal restitution without any compensation, and that the explanation of the French ministers is a palpable contradiction to the terms of the demand. But it is to the last degree improbable, that M. Le Tourneur should hold such decisive language upon this subject, had he not the best ground to believe that he spoke the sense of the directory. Moreover, the demand and the explanation, when attentively compared, exhibit no contradiction whatever; for though lord Malmesbury is called upon to consent to the restitution of all the conquests of Great Britain, this demand is evidently made *pro forma* only; for in case he is not authorized so to do, he is required to procure from his court the *necessary powers* for this purpose. When, therefore, lord Malmesbury was informed by M. Le Tourneur, that it was never intended to exclude the idea of compensation from the subsequent discussion, it manifestly became a question of terms, and all that the directory really wanted, was to be convinced that the ambassador's powers extended to all the various cases that might be expected to occur in the progress of the negotiation; and this was very natural, considering how extremely limited his powers appear to have been on the former occasion, and how pertinaciously he resisted on the present, even a qualified or provisional compliance with the preliminary claims of France. At



All events, no possible injury could have resulted from seeming to give full credit to the explanation of the French plenipotentiaries, and from investing lord Malmesbury with the full powers required, if not already invested with such as were adequate to the purpose. In this case, the discussion of the *projet* delivered by him, must have commenced without delay; and if the proposals contained in it were found inadmissible, M. Le Tourneur positively engaged, that other proposals should be brought forward by them, for the English court to deliberate upon.

*2ndly*, But admitting the preposterous, incredible supposition, upon which the letter of lord Grenville is throughout framed and written, viz. that the directory insisted upon restitution without compensation; the instructions of his lordship are to the last degree objectionable, as will be apparent to political demonstration, from the following considerations.

*1st*, If the sense which lord Grenville persists, in defiance of the explanation of M. Le Tourneur, in maintaining to be the true sense of the paper delivered to lord Malmesbury by the commissioners, was really intended by them, it could only be brought forward with a view to render the negotiation abortive; it were therefore in this case, not merely superfluous, but grossly impolitic to enter into any argument or altercation whatever upon the subject, as contrary to the dignity of the British crown, and tending alone to mutual irritation. The extravagance of the demand would amply justify the English court in refusing to hearken even for a moment, to so insolent a proposal; and to adopt lord Grenville's own words, "the natural step upon such an occasion, would have been to direct the ambassador to terminate at once, a negotiation which afforded neither the hope nor the means of any favourable conclusion." On the contrary, lord Grenville's dispatch

contains a variety of specific injunctions, upon which it may not be improper to offer a few observations under the succeeding heads. For,

*2ndly*, Notwithstanding that the French plenipotentiaries had positively disclaimed the offensive meaning ascribed to the order of the directory, lord Malmesbury is commanded in his next conference with them, to remark forcibly upon the indefensible spirit and tendency of the demand now made by France; and arguments, very just indeed in themselves, are suggested by lord Grenville to lord Malmesbury, as proper to be urged upon the commissioners. What good purpose could this answer? The commissioners could only repeat, that the meaning of the directorial order was misapprehended. In such circumstances was it consistent with common civility, or indeed with common sense, for the ambassador to maintain, that he knew the meaning of the order better than the French commissioners, and then upon his own unauthorized construction of the demand, to indulge himself in a violent invective against it? The ambassador is further, and most particularly enjoined to add in explicit, though not offensive terms, that the whole of the *pretence* now set up by France, was incontestibly frivolous and illusory; it being notorious, that both Spain and Holland were compelled by that power to engage in the war against their own wishes, &c. But certainly a task was here enjoined, which no human ability was equal to the execution of; a charge of this nature, urged in explicit terms, must unavoidably be offensive. The language of reproach can never tend to conciliation, and however just it might be in respect to Spain, the question whether Holland was originally imp led into the war by England, or compelled by France, might well be supposed to lead to bitter and endless disputation. Could lord Grenville flatter himself that these points would ever be conceded by

France? If not, why bring them forward as topics of mutual and unavailing recrimination?

*Silly*, Lord Malmesbury is expressly commanded, since the *projet* of England is not acceded to by the French commissioners, to demand from them a counter-*projet*, containing a full and explicit statement of the proposals they have to offer on their part, without any reserve, instead of bringing forward separate points, one after another. This is a most injudicious direction, founded upon the palpable error of supposing that the English *projet* was actually rejected; whereas, all that the commissioners, in the name of the directory, had required, was a specification of lord Malmesbury's full powers, after which they had voluntarily given the most positive assurances, that the *projet* should be taken into serious consideration, and if found inadmissible, that they would bring other proposals forward on their side for the English court to deliberate upon. Before any satisfaction was offered, therefore, with respect to the extent of the powers vested in the ambassador, or the proposals of England had been at all discussed, to insist upon a counter-*projet* from the directory, was inverting altogether the order of things, and throwing the whole negotiation into a state of confusion. With respect to the separate demands alluded to by lord Grenville, far from being in their own nature obstacles in the way of an ultimate accommodation, they were such as an able negotiator would have converted into facilities for the advancement of it. Upon the whole, nothing could be more ominous of the fate of the negotiation, than this letter of the secretary of state.

The result of the ensuing conference, which took place on Sunday, July 23, between lord Malmesbury and the commissioners, was precisely conformable to what might, with the utmost probability, or rather certainty, have been predicted.

The ambassador, happy and eager to execute what he styles, "the spirited instructions of the secretary," employed as he tells us, not only the substance, but as far as was practicable in conversation, the very words of lord Grenville's dispatch. In reply, M. Le Tourneur admitted the right of the English court to expect a *contre-projet* from them, before any new proposals were offered by the ambassador, but that as the proposition which their instructions had bound them to make, was decidedly rejected, it was impossible for them to move a step without new orders from the directory. And lord Malmesbury urging them to come to some specific explanation upon the subject of compensation; he was told that this was a crisis in the negotiation, and that till this point was ascertained, it was useless to waste time in discussions; and the commissioners engaged to transmit to the directory, such a report as was calculated to give weight to the arguments of the ambassador. In fact, it appears probable, that M. Le Tourneur, a man of great ability and candour, was himself fully convinced of the sincerity of the court of London, as well as of the competency of lord Malmesbury's powers to the purposes of the negotiation. In this case, he would of course counsel the directory not to insist too harshly or peremptorily upon their demand, but waiting the result of it, to discuss with the government of Spain and Holland, the several cessions which it might be ultimately expedient to consent to in the name and on the behalf of those powers.

On the 4th August, lord Malmesbury received a note from the commissioners, requesting a conference, which took place the same day; when his lordship was acquainted that the directory had taken the subject of his last memorial into their most serious consideration, and that he should be informed as soon as possible with the result. This was evidently intended to imply, that the



subject of compensation, in relation to which, it was at least necessary that France should keep up the external forms of decorum with her allies, was under discussion. But lord Malmesbury persisting in his error, expressed his concern and surprise, that there existed any hesitation whatever in the mind of the directory, on a point which, although a very important, was certainly a very simple one; that to allow it to remain in doubt, whether his majesty was to have compensation or not, was, in other words, to leave it in doubt, whether the directory sincerely meant peace or not; that this delay placed him in a very awkward position, as it was quite impossible for him to suffer a longer space of time to pass over without writing to his court.

One of the French plenipotentiaries expressed his earnest wish, that the ambassador would write immediately; he was confident this delay would be seen in its true light; and added, “ Si nous n’avançons pas à pas de géant, j’espere que nous marchons d’un pas sur.” On lord Malmesbury’s urging the communication of the counter-projet, he was given to understand that something of this nature would of course be virtually contained in their next instructions; and that the delay complained of had not been occasioned at Paris, from any want of attention to this important business, or from any cause *not immediately and closely connected with it.*

Another conference was held on the 6th August, in which the ambassador, again expressing his uneasiness and dissatisfaction at the delay; one of the plenipotentiaries said, “ you ought to augur favourably from it. Your note was a refusal to agree to what was stated to the directory, in their instructions to us, as a *sine quâ non*. If the directory were determined to insist on this *sine quâ non*, they would have said so at once. The time they take to deliberate, indicates beyond a doubt that they are

looking for some temperament, and it scarce can be doubted that one will be found."

In a subsequent interview (August 12th), lord Malmesbury lamenting in his usual style, the delay of the negotiation, one of the French ministers said, "that it was impossible he could lament this delay more than they did; that they had already declared to him, that it was occasioned by a wish not to create, but to remove difficulties; and they could assure him positively, that the French government had no other object in view; and that he should find when once we began fairly to negotiate, we should proceed very rapidly." To this lord Malmesbury replied, that it was indeed very material to make good the time they had lost. The French minister answered, "you would not call it time lost, if you knew how it was employed." On the ambassador's indicating a desire to be informed, he went on by saying, "we will not scruple to tell you, though we feel we ought not yet to do it officially, that we are consulting with our allies; that we have communicated to them all that has passed here: we have stated, that unless they mean to continue the war, they must release us from our engagements, and enable us in a certain degree to meet your proposals.

It was not till the 28th August, that any thing material occurred. On that day the French plenipotentiaries informed lord Malmesbury, that the last answer from Holland was so unsatisfactory, that the directory had ordered the minister for foreign affairs to return it to the Dutch ministers at Paris; that the Dutch ministers could not take upon themselves to alter it in the way the directory proposed, but had been obliged to refer to their government for new orders. It was described as *complexe, louche, et peu satisfaisante*; that the directory expected it should be clear and distinct, and such an one as would enable them to send such instructions as would

allow the commissioners to go on with the negotiation, in a way to recover the time which had been lost.

On the 4th September, the famous revolution of Fructidor took place at Paris, in consequence of which the whole French legation was recalled, and Messrs. Treilhard and Bonnier appointed in their room. M. Le Tourneur and his colleagues took leave of lord Malmesbury with great politeness, assuring him in the note delivered in by them upon this occasion, that the change of negotiators did not carry with it any change in the disposition of the directory, with regard to the negotiation.

From the tenor of the first conference which took place with the new plenipotentiaries (September 14th), it was manifest that the directory, though they had for a time waved the repetition of a disagreeable demand, had by no means abandoned their resolution of receiving entire satisfaction, respecting the full extent of lord Malmesbury's powers, previous to the making any overtures, or offering any concessions whatever on their part, or that of their allies. M. Treilhard began by making the strongest assurances of the sincere desire entertained by the directory for peace; he remarked, says lord Malmesbury, that the first and most material point to be ascertained in every negotiation was, *the extent of the full powers with which the negotiators were vested*; that he would find theirs to be very ample, and that as it was necessary to the success of our discussions, that mine should be equally so; they had it in command to present a note, the object of which was, to inquire whether I was authorized to *treat* on the principle of a general restitution of every possession remaining in his majesty's hands, not only belonging to them, but to their allies? that he was not unacquainted with their laws and with their treaties; that a great country could not on any occasion act in

contradiction to them, and that aware as I must be of this, I could not but expect the question contained in the note, &c.

The English ambassador in reply, travelled once more over the old ground of argument and declamation. He observed with affected astonishment, "that the question expressed in the note he, *i. e.* M. Treilhard, had delivered, was word for word the same as that put to him by his predecessors, so long ago as the 14th July, to which a distinct answer had been returned on the 24th of that month, by order of his court; that to this day the answer had remained unnoticed, and a delay of two months had occurred; that the reasons assigned for this delay were, as he was repeatedly told, a decided resolution on the part of the French government, to listen to the reasonable proposals made by his majesty; but that being bound by their engagements with the court of Madrid and the Batavian republic, and wishing to treat their allies with due consideration, they were desirous of consulting with them previous to any positive declaration, and obtaining from them a voluntary release from those engagements, sufficient to enable the French plenipotentiaries here to admit the basis his majesty had established." "I shall not," says lord Malmesbury in his dispatch to lord Grenville, "attempt to follow the French minister through the very elaborate, and certainly able speech he made in reply, with a view to convince me that the inquiry into the extent of my full powers, was the strongest proof the directory could furnish of their pacific intention, and the shortest road they could take to accomplish the desired end."

Lord Malmesbury interrupted the French minister, by a most unreasonable and unaccountable renewal of his former assertions, that the admission of the powers contended for, would be in fact, neither more nor less than



a complete avowal of the principle itself, which, once agreed on, nothing would be left to negotiate about. M. Treilhard, in continuation, pointed out in the clearest manner to the English ambassador, the difference between these two things thus strangely confounded. Still the ambassador persevered in maintaining, "that their question went not to the extent of his powers, but to require him to declare the nature of his instructions." M. Treilhard again observed; "that the claiming a right of inquiry into the nature of the discretionary authority, confided in a minister, by no means implied an intention of requiring of him to act up to its utmost limits." Lord Malmesbury on this asked; "why, if no such intention existed, institute the inquiry?" The French minister replied, "what we now ask is little more than a matter of form: when you have given us your answer, we shall follow it up by another step which we are ordered to take." Lord Malmesbury said, that his answer was given two months ago; that any answer he might now give could not be different, as he saw no distinction between acknowledging the power and admitting the principle. The conference at length broke up, apparently to the chagrin of the French commissioners, without being able to obtain any satisfactory declaration from the ambassador, relative to the unlimited extent of his powers.

On the next day, September 16, therefore, an official and formal demand was made by them of lord Malmesbury, "whether he had sufficient powers for restoring in the treaty which may be concluded, to the French republic and to its allies, all the possessions which, since the beginning of the war, have passed into the hands of the English?" and they moreover apprised the ambassador, that they were charged to demand of him an answer in the course of the day. When this note was sent, the French commissioners doubtless considered the negotiation as virtually at an end. In his reply, lord Malmesbury;

after referring to his former notes of the 15th and 24th July, says as before, "that he neither can nor ought to treat upon any other principle than that of compensation."

On the same day a second note was addressed to him by the commissioners, apprising him of a provisional decree of the directory, for the return of his lordship to his court in 24 hours, to ask for sufficient powers; nothing else being intended by this determination, than to hasten the moment when the negotiation may be followed up with the certainty of a speedy conclusion.

After the interchanging of two or three other notes, a final conference took place by the desire of lord Malmesbury, on the 17th September, in the course of which many things were repeated on both sides, which had been before on different occasions unavailingly urged. The account given of it by lord Malmesbury to lord Grenville, contains, however, two or three interesting particulars.

The ambassador states, that when he signified his intention of leaving France the next morning, not a hint dropped from the commissioners, expressive of a wish, that instead of going himself for new instructions, he should either write for them by a messenger, or obtain them by sending to England one of the gentlemen with him. "I endeavoured by every indirect means," says his lordship, "to suggest to them the necessity of adopting some such modification, if they meant that their wishes for peace, in the expression of which they were this morning more eager than ever, should meet with the slightest degree of credit." But how was it possible for the commissioners to entertain even the idea of any such modification, so long as lord Malmesbury persisted in his wild assertion, that the obtainment and avowal of the powers required, amounted to a renunciation of all compensation on the part of Great Britain? In this very con-

ference he had declared to the commissioners, that if they were determined to persist in the demand made by them, it was much better to avoid all useless altercation. In all the successive conversations between them, he had never once suggested this expedient, or appeared to suppose it possible that such powers could be obtained. In consequence of his repeated denials, an official and formal demand was made, which left no discretion to the commissioners. They themselves said, "they had their hands tied by an *arrêt* of the directory, and were bound to observe the conduct they had followed by the most positive orders."

Another remarkable circumstance in this parting conference is, that lord Malmesbury, after "bringing again to their recollection, that he was authorized to receive any proposal, any *contre-projet* tendered to him;" dwelt, as he tells us, particularly and repeatedly on his being competent to take any thing they said for *reference*. But this availed nothing, except drawing from one of them a remark, that the full powers which authorized a minister to *hear* proposals, were widely different from those which would enable him to *accede* to them; and that it was such full powers that the directory required lord Malmesbury to *solicit*." This distinction entered into the very essence of the question, and it is difficult to conjecture how the justness of it could possibly be disputed.

Lord Malmesbury says only, "an easy answer presented itself to this mode of reasoning; but I saw no advantage to be derived from prolonging a conversation, which after the positive declaration they had made, could lead to nothing."

On the arrival of lord Malmesbury in London, he was directed to write (October 5), a letter of expostulation to the French plenipotentiaries; again reiterating the absurd and provoking charge, "that the demand of the di-



rectory referred not to the full powers of the ambassador, but to the extent of his instructions." Nevertheless he goes in this letter the length of declaring, "that the full powers with which his majesty had thought proper to furnish him for negotiating and concluding a treaty of peace, are conceived and expressed in the most ample form, authorizing him fully and without reserve, to sign any treaty upon which he might agree with the French plenipotentiaries, whatever its nature or conditions might be; conforming himself in all cases to the instructions which he might receive from his court."

And it is remarkable, that lord Grenville himself, in his note, dated June 17th; addressed to the minister for foreign affairs at Paris, declares "that the full powers of the ambassador will include *every case*, and without prescribing to him any particular mode of negotiation, will give him the most unlimited authority to conclude any articles or treaties, whether preliminary or definitive." If therefore, the plenipotentiary powers of lord Malmesbury really corresponded with the above descriptions, they must necessarily include the power of unlimited restitution. If they did not include this power, these assertions are in the highest degree deceitful; if they did include this power, to refuse the clear and express acknowledgment of it, was surely the excess of folly.

Two reasons may with probability be assigned, for the determined perseverance of the directory in their requisition. The first seems to have originated in a point of national honour, or if the term is deemed more applicable, in national pride. All the possessions of Spain and Holland, comprehending the conquests of England, were guaranteed to them by France. The French government therefore conceived it to be incompatible with their dignity, "to treat for a peace, of which the *basis* should be contrary to the laws, or to the engagements taken with its allies." Such are the words of the French plenipoten-



tiaries, in their answer to the last note of lord Malmesbury. If at the onset of the negotiation, they consented to treat with a minister who had it not in his power to enable them to fulfil their engagements, it must be regarded by their allies as a voluntary dereliction of faith and honour. On the other hand, they were perfectly ready to coincide, that in the course of the negotiation Spain and Holland would be called upon to make certain sacrifices, to which France would endeavour to obtain their assent; not at all expecting the ambassador to act up to the extent of his powers.

Secondly, if the powers of the ambassador were really limited by the terms of the *projet* he had delivered in, discussion answered no real purpose. If his powers were unlimited, his instructions might be supposed to vary from time to time. In this point of view, the difference in all diplomatic intercourse between powers and instructions, was perfectly ascertained and long established; instructions were of a more dubious and changeable nature than powers. Had the negotiation proceeded, the cession of the Cape of Good Hope would in all likelihood have been the grand topic of contention, and if this had been the inadmissible *sine qua non* of England in the present, as the restitution of the Netherlands was in the last treaty, France would have violated her honour, by admitting the principle of limited restitution, without effecting the purpose for which so odious a sacrifice had been made.

PROTEST AGAINST THE REJECTION OF AN ADDRESS  
TO THE THRONE,

MOVED BY THE DUKE OF LEINSTER, JUNE 15, 1798.

ON the 15th June, 1798, the duke of Leinster moved an address to his majesty, "humbly requesting that his majesty would deign to direct the proper officer to lay before the house, a full and ample statement of the facts and circumstances which had led to the disastrous affairs of Ireland, and of the measures which had hitherto been pursued for the purpose of averting such momentous evils. That however alarming the discontents now prevailing in the sister kingdom were, we would not despair, but that the result of such discussion would enable us to assist his majesty, according to our constitutional duty, with some well adapted remedy, such as might restore in that distracted part of the British empire, confidence in the laws, by due administration of them; obedience to his majesty's government, by a temperate use of its powers, and union amongst all descriptions of persons in that kingdom."

A long and animated debate ensued, and a division taking place, the motion was rejected:—Contents 18; Non-contents 51.

*Dissentient,*

Because the house having thought fit to reject the various motions, respecting the calamitous situation of Ireland, which have been submitted to their consideration; in the first instance, for inquiry; in the second, for lenity and conciliation; and in the last, for putting an immediate stop at least to the vigorous proceedings of the army in Ireland, where, under the name of a system of coercion, we have reason to fear that atrocious cruelties have been practised; we think it our duty to record the nature of

the evidence on which we have proceeded, and on which our conviction of the truth of the facts is founded; and on that evidence, to appeal in our own justification, to our country, to the world, and to posterity. We affirm, that the facts are undisputed, that the evidence of them is irresistible, and that the effects produced by this barbarous system, convict the authors and advisers of such a total want of wisdom, even for their own pretended purposes, as can only be exceeded by the shocking cruelty of the principles avowed, and of the practice recommended by them. We shall state some of the documents we refer to, in the order of time in which they have appeared, in order to shew that this system of coercion has not been hastily resorted to on the spur of an instant necessity, but that it was deliberately resolved on long before it could be justified or palliated, by any of the pretences or causes which have since been assigned in defence of it.

“ *Dublin Castle, March 3, 1797.* ”

“ His excellency further authorizes you to employ force against any persons assembled in arms, not legally authorized so to be, and to disperse all tumultuous assemblies of persons, though they may not be in arms, without waiting for the sanction and assistance of the civil authority; if in your opinion, the peace of the realm and the safety of his majesty’s faithful subjects, may be endangered by waiting for such authority.”

(Signed)

“ THOMAS PELHAM.”

On the 26th February, 1798, Sir Ralph Abercromby declared in public orders, “ that the very disgraceful frequency of courts-martial, and the many complaints of irregularities in the conduct of the troops in that kingdom, had too unfortunately proved the army to be in a state of



licentiousness which must render it formidable to every one but the enemy."

On the 18th April, 1793, the following order was issued by major general Duff:

"The commander in chief gives this public notice, that the lord lieutenant and council have issued orders to him, to quarter troops, to press horses and carriages, to demand forage and provisions, and to hold courts-martial for the trial of offences of all descriptions, civil and military, with the power of confirming and carrying into execution the sentences of such courts-martial, and to issue proclamations.

"The commander in chief calls on all the general officers to procure of the magistrates, the best accounts they can give, of the number of arms taken from the yeomanry and the well-affected, of arms that have been concealed, and of pikes that have been made, which are to be recovered and taken possession of by the military.

"They are also to communicate to the people, through the priests, and by one or two men selected from each town-land, the purport of the following notice:

"That the order, if complied with, will be a sign of their general repentance, and not only forgiveness will follow, but protection.

"That they must be sensible, that it is infinitely better for them to remain at home, quietly minding their own affairs, than committing acts which must bring on the ruin of themselves and their families.

"As it will be impossible in some degree, to prevent the innocent from suffering with the guilty, the innocent have means of redress, by informing against those who have engaged in unlawful associations, and robbing houses of arms and money."

"The people must be very ignorant not to know, notwithstanding the fair promises of the French, that they



have first deceived, and then plundered every country into which they come. And they are therefore forewarned, that in case of invasion from the French, if they should attempt to join the enemy, or communicate with him, or join in any insurrection, they will be immediately put to death, and their houses and properties destroyed.

“The general officers call on the people to know why they should be less attached to the government now, than they were a year ago, when they shewed so much loyalty in assisting his majesty’s troops to oppose the landing of the French? Is it not because they have been seduced by wicked men?”

“Why should they think themselves bound by oaths into which they have been seduced or terrified?”

“The people are requested to bring in their arms to the magistrates, or commanding officers in the neighbourhood, who have directions to receive them, and no questions will be asked.

(Signed)

“JAMES DUFF.”

On the 7th of May, 1798, the following orders were issued by lieutenant-general sir James Steward.

“*Adjutant-general’s office, Cork, May 7, 1798.*

“Whereas, it has been represented to lieutenant-general sir James Steward, that in some parts of the country, where it has been necessary to station troops at free quarters, for the restoration of public tranquillity, that general subscriptions of money have been entered into by the inhabitants, to purchase provisions for the troops, by which means the end proposed, of making the burthen fall as much as possible on the guilty, is entirely defeated, by making it fall in a light proportion on the whole, and thereby easing and protecting the guilty; it has been thought proper to direct, that wherever the practice has

been adopted, or shall be attempted, the general-officers commanding divisions of the southern district, shall immediately double, treble, or quadruple the number of soldiers so stationed, and shall send out regular foraging parties, to provide provisions for the troops in the quantities mentioned in the former notice, bearing day the 27th day of April, 1798, and that they shall move them from station to station, through the district or barony, until arms are surrendered and tranquillity be perfectly restored; and until it is reported to the general-officers, by the gentlemen holding landed property, and those who are employed in collecting the public revenues and tithes, that all rents, taxes, and tithes, are completely paid up."

On the 11th of June, 1798, major-general Nugent, after holding out certain offers and terms to the insurgents, proceeds to declare:—

"That should the above injunctions not be complied with within the time specified; major-general Nugent will proceed to set fire to, and totally destroy the town of Killiney, Killlileagh, Ballinahinch, Sallitfield, and every cottage and farm-house in the vicinity of those places, carry off the stock and cattle, and put every one to the sword who may be found in arms.

"It particularly behoves all the well-affected persons who are now with the rebels from constraint, and who it is known form a considerable part of their numbers, to exert themselves in having these terms complied with, as it is the only opportunity there will be of rescuing themselves and properties from the indiscriminate vengeance of an army necessarily let loose upon them."

But finally, the document which appears to us the most important of all, and to which we earnestly invite and press the attention of the house, is a public order issued about the middle of the present month of June, 1798, in the following words:

“ Major-general Morrison requests that officers commanding corps, will give the strictest orders, to prevent setting fire to houses or buildings of any kind, a mode of punishment that can lead only to the most pernicious consequences, and that seldom or ever falls on the guilty, but on the contrary, on the landlord, the wife and children of the criminals, who, however iniquitous the husband or father, ought always to be spared and protected.

“ And he has likewise received orders from lieutenant-general Lake, that free-quarters are no longer to be permitted, neither are foraging parties to be allowed to go out, unless under the care of an officer, who is to be responsible for every act, in order that the friends of government, the helpless and infirm, may not be involved in one indiscriminate mass of destruction with the rebellious and ill-disposed.”

The prohibition contained in this order, wise and humane as it is, is equivalent to a history of all the horrible transactions it alludes to, and establishes the truth of them by evidence, which cannot be disputed or suspected; and also confirms in the strongest terms, and on the irresistible proof derived from practice and experience, “ that such a mode of punishment seldom or ever falls on the guilty, but on women and children, who ought always to be spared and protected;”—and that its principal, if not only operation and effect, is “ to involve the friends of government, the helpless and the infirm, in one mass of destruction with the rebellious and ill-disposed.”

Bedford,	Albemarle,
Wentworth Fitzwilliam,	King,
Ponsonby,	Thanet.
Holland,	



DECREE OF THE GRAND SEIGNOR,  
 PROMULGATED AT THE PORTE, SEPTEMBER 1, 1798.

*To you kaimakam pacha, these are addressed:*

EVER since the supreme vizir Izzed Mehemmed Pacha came to that office, instructions were constantly given him to attend to the defence of the Ottoman dominions, and never to be off his guard against the plots of enemies. He, however, from selfish motives, has attended to nothing but his own interest, so that in the dark himself, with respect to the evil designs of those brutish infidels\* the French, from not procuring proper intelligence, he did not apprise the inhabitants of Egypt thereof in good time.

When the unhappy tidings from thence came to our imperial ear, a full month after that insufferable event had come to pass, such were our grief and concern, that we take God to witness it drew tears from our eyes, and deprived us of sleep and rest.

We have, therefore, immediately deposed him from the office of grand vizir, and have appointed in his place Yoursouff Pacha, governor of Erzerum, until whose arrival at our sublime gate, we appoint and constitute you, Mustafa Bey, to be kaimakam.

Now it being incumbent upon all true believers to combat those faithless brutes the French, and it being become a positive duty for our imperial person to deliver the blessed territories from their accursed hands, and to revenge the insults which they have offered to mussulmans, no delay whatever is to take place for the arrival of the new vizir, but the most vigorous measures must be pursued to attack them by sea and land.

Wherefore, by a deliberation with the illustrious lawy-

\* Original, swine.



ers, ministers, and chieftains, our subjects, you must with a full confidence in God and his prophet, fix upon the effectual means of freeing the province of Egypt from the presence of such wretches. You will acquaint all the true believers in the respective quarters, that we are at war with the French, and turning night into day, will apply your utmost efforts to take revenge of them.

You will adopt the most vigilant conduct towards defending the other mahomedan provinces, and our imperial frontiers, from the plots and malice of the enemy, by the due reinforcement of every port and place with troops and military stores.

You will likewise direct your zealous attention towards the due supply of daily provisions to the inhabitants of this our imperial residence, and will watch over the affairs of all persons in general, until the supreme vizir do arrive.

We shall observe your exertions; and may the omnipotent God ordain his divine favour to attend our undertakings, and render us successful in the vindication of our cause.



### MANIFESTO OF THE SUBLIME PORTE,

COMMUNICATED TO OUR ESTEEMED FRIEND, THE MINISTER PLENIPOTENTIARY OF THE COURT OF GREAT BRITAIN.

1ST REBUILAKIR, IN THE YEAR OF THE HEJIRA, 1213;  
(SEPTEMBER 11, 1798).

It is notorious, that the peace and good harmony which since time immemorial have existed between the Sublime Porte and the court of France, have never been interrupted by enmity and misunderstanding, but that on the contrary, until this period, the Sublime Porte has made it her uniform and constant study, scrupulously to maintain the treaties, to fulfil the duties of amity with care, and

upon every occasion to give proofs of her sincerity and friendship.

At the time when the revolution first broke out in France, six years ago, when most of the powers in Europe confederated against that country, the Sublime Porte, although a witness to the improper proceedings of those who hold the reins of government by usurpation, chose rather, in observance of her ancient amity with the French nation, to remain neutral; and though she had been several times invited by the allied courts to join with them, and to break with France; although the troubles of that country had become more and more violent at that particular period, when an army had reached near Paris; whilst soon after the fortresses of Valenciennes, Conde, and Quesnoy, the keys of France on the northern side, were taken by the Austrian arms; Toulon, the only arsenal of the French in the Mediterranean, had fallen into the hands of the English, with the ships of war which were in it, and by an increased party of royalists in their provinces, the situation of the government had become more critical, and perplexing, and distress prevailed on every side, yet the Sublime Porte, notwithstanding that it depended only upon herself to join with the other powers, nevertheless, giving way to her known principles of justice, did no ways consent to deviate from the line of a neutral conduct.

On the contrary, considering that if under the circumstances of a strong famine, by which France, blocked up by sea and land was afflicted, the Sublime Porte had also broken off her connexion, their distressed situation would have been such, as to throw the inhabitants into total desolation and despair, she abstained from that measure; and she hereby asks, whether it be not a fact, that the liberality which she has shewn to them from time to time, has brought complaints against her from other powers?

The extensive advantages which the French have reaped from the Sublime Porte's remaining neutral during the

course of the war, become clear and evident by a moment's glance at the events of the war, and the public transactions during that period. Whilst, therefore, in consideration of the uniform acts of condescension thus observed towards them by the Sublime Porte, they on their side, ought also to have been steady in preserving peace; yet those among them who found the means of assuming to themselves the reins of government by favour of the revolution, began to devise various pretences, and under an illusive idea of liberty—a liberty so called in word, but which in reality knows no other laws but the subversion of every established government, after the example of France, the abolishment of all religions, the destruction of every country, the plunder of property, and the dissolution of all human society—to occupy themselves in nothing, but in misleading and imposing upon the ignorant amongst the people, pretending to reduce mankind to the state of the brute creation, and this to favour their own private interests, and render the government permanent in their own hands.

Actuated by such principles, they made it their maxim to stir up and corrupt indiscriminately the subjects of every power, whether distant or near, either in peace or at war, and to excite them to revolt against their natural sovereigns and government.

Whilst on the one hand, their minister at Constantinople, pursuant to that system of duplicity and deceit which is their custom every where, made professions of friendship for the Ottoman empire, endeavouring to make the Sublime Porte the dupe of their insidious projects, and to forward their object of exciting her against other friendly powers, the commanders and generals of their army in Italy, upon the other hand, were engaged in the heinous attempt of perverting the subjects of his majesty the Grand Signor, by sending agents, persons notorious for their intriguing practices, into Anatolia, Morea, and the islands



of the Archipelago, and by the spreading manifestoes of the most insidious tenor; among which, the one addressed by Buonaparte to the people of Macrio, with several others distributed by the same, are sufficiently known to the public.

Upon the Sublime Porte's complaining to the directory of this conduct of their commanders and generals, their answer was, that all proceedings on the part of their officers, contrary to friendship, were not with the consent of the directory; that the same should be prevented, and their officers warned against it, the wish of the French government being to strengthen more and more the ancient friendship subsisting with the Sublime Porte.

In consequence of this answer, delivered officially on their part, it was expected that the said generals would have left off their seditious pursuits. But nevertheless, no change appearing in their conduct, and their perseverance in such insidious practices being greater than ever, it became obvious, that the answers of the directory were only fictitious and deceitful; that the intriguing attempts of their agents, could not but be dictated by the instructions which were given them, and consequently that any further complaint would be of no avail whatever.

Notwithstanding these transactions, however, the Sublime Porte, in the hopes of the directory altering its system of conduct, and laying aside the senseless pursuit of wishing to overturn the universe, in expectation of seeing things in France, from the harassed situation of that country, at length take a different turn, by the people refusing to bear any longer those intolerable evils and disasters which have been brought upon them from the personal views of a few upstart individuals since the commencement of the revolution; and with the view of preventing secret enmity from producing an open rupture, did not alter her course, but preferred keeping silence.

In the beginning of the war with the other powers, the



French government had declared, that their intention was not to acquire new territory, but on the contrary, to restore every such conquest as might have been made by their arms during the contest; contrary to which, they not only have kept possession of various extensive provinces snatched by them from the belligerent powers, but not content with thus profiting by the changes which had prevailed among the allied courts, through their intrigues, have put off the mask entirely, and developing their secret views without reason or justice, have fallen upon several free and independent republics and states, who had held themselves neutral like the Sublime Porte, invading their territories when least provided with the means of defence, and subjecting them to their will by open force and hostility.

Thus no one being left to controul them, they tore the veil of all decorum at once, and unmindful of the obligations of treaties, and to convince the world that friendship and enmity are the same thing in their eyes, contrary to the rights of nations, and in violation of the ties subsisting between the two courts, they came in a manner altogether unprecedented, like a set of pirates, and made a sudden invasion in Egypt, the most precious among the provinces of the Ottoman Porte; of which they took forcible possession at a time when they had experienced nothing from this court but demonstrations of friendship.

Upon the first surmise of the French project to invade that province, Ruffin, their chargé d'affaires at this residence, was invited to a conference, where he was questioned officially about this business: he first declared he had no intelligence whatever respecting it; but he gave it as a speculation of his own, that if such an enterprise ever proved true, it probably must be to take revenge of the beys, and to annoy and attack the English settlements in the East Indies.

In answer to this, it was circumstantially stated to him that the smallest attempt on the part of the French upon Cairo, on whatever pretext it might be founded, would be taken as a declaration of war, and thereby the friendship subsisting between the two courts since the most ancient times, would both in a legal and political sense be converted into enmity; and the Ottoman empire would not suffer the loss of an handful of sand of the Egyptian territory; that the whole Ottoman set would set itself in motion for the deliverance of those blessed lands; and that if the chastisement of the beys of Egypt was necessary, it behoved the Sublime Porte to inflict it on them as her dependents; that the interference of the French in this business was inconsistent with the rights of nations; that the court of Great Britain being the dearest friend of the Ottoman empire, the Sublime Porte would never consent to the passage of French troops through her territory, to act against their settlements; that in short, should even their expedition to Egypt have no other object but this, it would be equally construed into a declaration of war; of all which he was charged to make the earliest communication to the directory in this very language.

Dispatches bearing instructions to the same effect, were at the same time written to Ali Effendi, the Sublime Porte's ambassador at Paris, who was moreover directed to demand officially an explanation of the matter upon the spot.

Before the communication sent by Ruffin to the directory, and the dispatches transmitted by the Sublime Porte to her ambassador before named, a letter of an old date was received by the said Ruffin, expressing that Buonaparte's expedition to Egypt was true; but that the object was to secure some commercial advantages, by bringing the beys to an account, and to hurt Great Britain; that an ambassador had been appointed to prefer several propositions favourable to the interests of the Ottoman Porte,

and to adjust the affair in question ; with this further ridiculous hint, “ that were the Porte to declare war for this against the republic; both courts would lay themselves open to an attack on the part of the emperor.” All this, the said chargé d'affaires delivered officially, and he also presented a copy of that letter.

Upon the other hand, in the answer received meanwhile from the Ottoman ambassador above-mentioned, it was stated, that in conformity to his instructions, he had had an interview with Talleyrand Perigord, the minister of external relations, in which he had produced his dispatches, explained their purport, and demanded officially a categorical answer ; that the said minister—forgetting, as it is to be supposed, the tenor of the letter which had been written to Ruffin some time before—positively disavowed the expedition against Egypt, and said that Buonaparte's commission had no other object but the conquest of Malta : that the abolition of the order there, being a measure conducive to the benefit of all the Turks, the Sublime Porte ought to feel even obliged by it ; that the directory had nothing more at heart than to maintain the peace existing with the Porte since time immemorial, and more and more to strengthen the same ; thus bare-facedly exhibiting a farce of the most artful duplicity.

The wide contradiction between the above two communications being visibly a fresh artifice, by which, to mislead the Ottoman Porte with her eyes open, and to gain time until intelligence could be procured respecting the affairs of Egypt, the result of which had not then come to their knowledge, must not this most extraordinary event be taken as a palpable demonstration, that the directors of the French government, to second their own ambition and arrogance, have actually lost all recollection of those laws observed and maintained in every regular government, and that no faith whatever is to be placed in their words and professions ?



From the tenor of their arbitrary proceedings and despotic conduct, as too well witnessed from first to last, it is clear and evident, that their project is no other, but to banish every orderly institution from the face of the world; to overset human society, and by an alternate play of secret intrigue or open hostility, as best suits their end, to derange the constitution of every established independent state, by creating, as they have done in Italy, a number of small republics, of which the French is to be the parent mother, and thus to sway and to conduct every thing after their own will every where.

Now Egypt being the portal of the two venerable cities, Mecca and Medina, and the present operations in that quarter, being of a nature affecting all the Mahomedan sect at large, the Sublime Porte, consistently with her express declarations to the above French chargé d'affaires, and through her ambassador, to the directory at Paris, feels compelled by every law, to resist the sudden and unprovoked aggressions and hostilities committed by the French as above, and with a full confidence in the assistance of the omnipotent God, to set about repelling and destroying the enemy by sea and land. Thus, to wage war against France, is become a precept of religion incumbent upon all musselmen.

In consequence whereof, the afore-named chargé d'affaires, together with the officers of that mission, have been sent to the Seven Towers, to be detained there as hostages until such time as Ali Effendi before-named, and those of his *retinue*, be arrived from Paris; and the consuls, merchants, and French properties in Constantinople, and in other parts of the Ottoman empire, shall also be kept in deposit, and as a security, until the merchants dependents of the Sublime Porte, with their shipping and properties, as also the public ships with their equipages, detained in the province of Egypt, prisoners of war, excepted, be set at liberty.



To repel the perfidy of these usurpers, who have raised the standard of rebellion and trouble in France, is a measure in which not the safety and tranquillity of the Sublime Porte alone, but also that of all the powers in Europe, is concerned. Wherefore, the best hopes are entertained of the cordial co-operation of all friendly courts, as well as of their disposition to fulfil by every means in their power, their duties of friendship and of assistance in the present cause.

*1st Rebuilakir, in the year of the Hejira, 1213.*

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The contrast between the two preceding manifestoes is very amusing. The latter, containing some curious and interesting particulars, bears evident marks of being cast in the same mould whence the declarations of the English court had successively issued; and was no doubt communicated by *the esteemed friend* of his Sublime highness, the English ambassador to the Turkish ministry, previous to the communication of it by them to him. The Ottoman barbarism can scarcely be recognized amid the softenings and refinements of the Christian policy. And this is probably the only paper ever promulgated by the Turkish government, in which no dependence is professed on the protection, and even no mention made of the name, of their pretended prophet.

END OF VOL. X.

The first part of the history of the world is the history of the creation of the world and the life of the first man, Adam. This is the history of the Garden of Eden, the fall of man, and the beginning of the human race. The second part of the history is the history of the patriarchs, from Abraham to Joseph. This is the history of the promises made to the patriarchs and the fulfillment of those promises in the life of Joseph. The third part of the history is the history of the Israelites, from the time of Moses to the time of the kings. This is the history of the Exodus, the giving of the Law, and the building of the Temple. The fourth part of the history is the history of the prophets, from the time of Isaiah to the time of Malachi. This is the history of the messages of the prophets and the fulfillment of those messages in the life of the people of Israel. The fifth part of the history is the history of the Messiah, from the time of the birth of Jesus to the time of his death and resurrection. This is the history of the life of Jesus and the establishment of the Christian Church. The sixth part of the history is the history of the world, from the time of the birth of Jesus to the present. This is the history of the growth of the Christian Church and the spread of the Gospel to all parts of the world.

The history of the world is a long and complex one, and it is not possible to do justice to it in a single volume. However, the history of the world is a story of hope and redemption, and it is a story that has inspired and comforted people of all ages and all nations. The history of the world is a story of the love of God for his people, and it is a story of the love of his people for him. The history of the world is a story of the power of God to overcome all our sins and to bring us back to himself. The history of the world is a story of the glory of God, and it is a story that we should all be proud to share.

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